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Letter dated 20 October 2005 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit herewith the report of the United Nations International Independent Investigation Commission prepared pursuant to resolution 1595 (2005), by which the Commission was established to assist the Lebanese authorities in their investigation of the bombing on 14 February 2005 that killed former Lebanese Prime Minister Rafik Hariri and 22 others.

The report details progress made in the investigation of the crime and sets out the conclusions reached by the Commission at this stage of the investigation. It is important to note that the criminal investigation is yet to be completed. To that end, the report points out in some detail the steps necessary to advance further the investigation as it is taken up by the Lebanese authorities, including the need for greater cooperation from all States, in particular the Syrian Arab Republic.

I wish to thank Detlev Mehlis, Head of the Commission, and the members of his team for their excellent work under difficult circumstances. They have carried out their task in an impartial, independent and professional manner. The attached report, by necessity, is only the essence of their meticulous efforts. The Commission has transferred to the Lebanese authorities the full product of its work. This consists of more than 16,000 pages of documents, including the transcripts of interviews of 450 witnesses and suspects.

I would also thank the Government of the Lebanese Republic for its support for, and cooperation with, the Commission.

It is my intention to extend the mandate of the Commission until 15 December 2005 in accordance with paragraph 8 of resolution 1595 (2005). During this period the Commission would continue its investigation of the crime and assist the Lebanese authorities to further the investigation. This extension was also requested by Fouad Siniora, the President of the Council of Ministers of the Lebanese Republic, in a letter to me dated 13 October (S/2005/651).

I should be grateful if you would bring this matter to the attention of the members of the Council. Meanwhile, I am transmitting the report to the Government of Lebanon.

(*Signed*) Kofi A. **Annan**

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Report of the International Independent Investigation Commission established pursuant to Security Council resolution 1595 (2005)

Detlev Mehlis, Commissioner

Beirut, 19 October 2005

Summary

The Security Council, by its resolution 1595 (2005) of 7 April 2005, decided to establish an International Independent Investigation Commission based in Lebanon to assist the Lebanese authorities in their investigation of all aspects of the terrorist attack which took place on 14 February 2005 in Beirut that killed former Lebanese Prime Minister Rafik Hariri and others, including to help identify its perpetrators, sponsors, organizers and accomplices.

The Secretary-General notified the Council that the Commission began its full operations with effect from 16 June 2005. The Commission was granted an extension to the initial period of investigation mandated by the Council, until 26 October 2005.

During the course of its investigation, the Commission received extensive support from the Government of Lebanon and benefited from expert inputs from a number of national and international entities.

The main lines of investigation of the Commission focused on the crime scene, technical aspects of the crime, analysis of telephone intercepts, the testimony of more than 500 witnesses and sources, as well as the institutional context in which the crime was committed.

The full case file of the investigation was transmitted to the Lebanese authorities during October 2005.

The present report sets out the main lines of enquiry of the investigation conducted by the Commission, its observations thereon, and its conclusions, for the consideration of the Security Council. It also identifies those matters on which further investigation may be necessary.

It is the Commission's view that the assassination of 14 February 2005 was carried out by a group with an extensive organization and considerable resources and capabilities. The crime had been prepared over the course of several months. For this purpose, the timing and location of Mr. Rafik Hariri's movements had been monitored and the itineraries of his convoy recorded in detail.

Building on the findings of the Commission and Lebanese investigations to date and on the basis of the material and documentary evidence collected, and the leads pursued until now, there is converging evidence pointing at both Lebanese and Syrian involvement in this terrorist act. It is a well known fact that Syrian Military Intelligence had a pervasive presence in Lebanon at the least until the withdrawal of the Syrian forces pursuant to resolution 1559 (2004). The former senior security officials of Lebanon were their appointees. Given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge.

It is the Commission's conclusion that the continuing investigation should be carried forward by the appropriate Lebanese judicial and security authorities, who have proved during the investigation that, with international assistance and support, they can move ahead and at times take the lead in an effective and professional manner. At the same time, the Lebanese authorities should look into all the case's ramifications including bank transactions. The 14 February explosion needs to be assessed clearly against the sequence of explosions which preceded and followed it, since there could be links between some, if not all, of them.

The Commission is therefore of the view that a sustained effort on the part of the international community to establish an assistance and cooperation platform together with the Lebanese authorities in the field of security and justice is essential. This will considerably boost the trust of the Lebanese people in their security system, while building self-confidence in their capabilities.

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Chronology of events, mid-2004-September 2005

2004

- 26 August 2004, Rafik Hariri meets in Damascus with Syrian President Bashar Al-Assad to discuss the extension of the term of President Lahoud.
- 2 September 2004, the United Nations Security Council adopts resolution 1559 (2004) concerning the situation in the Middle East, calling for the withdrawal of all foreign forces from Lebanon.
- 3 September 2004, the Rafik Hariri bloc approves the extension law for President Lahoud.
- 3 September 2004, the Lebanese Parliament adopts the extension law for President Lahoud and forwards it to the Lebanese Government for execution.
- 7 September 2004, Economy Minister Marwan Hamadeh, Culture Minister Ghazi Aridi, Minister of Refugee Affairs Abdullah Farhat and Environment Minister Fares Boueiz resigned from the Cabinet in protest at the constitutional amendment.
- 9 September 2004, Prime Minister Rafik Hariri indicates to journalists that he will resign.
- 1 October 2004, assassination attempt on Marwan Hamadeh, in Beirut, Lebanon.
- 4 October 2004, Rafik Hariri resigns as prime minister.
- 11 October 2004, Syrian President Bashar Al-Assad delivers a speech condemning his critics within Lebanon and the United Nations.
- 19 October 2004, United Nations Security Council expresses concern that resolution 1559 (2004) has not been implemented.
- 20 October 2004, President Lahoud accepts Hariri's resignation and names Omar Karame to form the new government.

2005

- 14 February 2005, Rafik Hariri and 22 other individuals are killed in a massive blast in a seafront area of central Beirut.
- 25 February 2005, the United Nations Fact-finding Mission arrives in Lebanon.
- 8 March 2005, Hezbollah organizes a one million strong "pro-Syrian" march.
- 14 March 2005, a Christian/Sunni-led counter-demonstration demands the withdrawal of Syrian troops and the arrest of the chief of the security and intelligence services.
- 19 March 2005, a bomb explodes in Jdeideh, a northern suburb of Beirut, wounding 11 people.
- 23 March 2005, three people are killed and three others wounded in an explosion in the Kaslik shopping centre, north of Beirut.

- 25 March 2005, the United Nations Fact-finding Mission issues its report in New York.
- 26 March 2005, a suitcase bomb explodes in an industrial zone in north-east Beirut, injuring six.
- 1 April 2005, nine people are injured in an underground garage in an empty commercial and residential building in Broumana.
- 7 April 2005, the Security Council forms the United Nations International Independent Investigation Commission into the assassination of Rafik Hariri and 22 others on 14 February 2005.
- 19 April 2005, Lebanon's Prime Minister Najib Mikati announces that parliamentary elections will be held on 30 May 2005.
- 22 April 2005, General Jamil Al-Sayyed, head of the Internal Security Forces, and General Ali Al-Hajj, head of the Sûreté générale, decide to put their functions at the disposal of Prime Minister Najib Mikati.
- 26 April 2005, the last Syrian troops leave Lebanon ending a 29-year military presence.
- 26 April 2005, the United Nations Verification Mission starts its mission to verify the complete withdrawal of Syrian military and intelligence agents from Lebanon and its full compliance with resolution 1559 (2004).
- 6 May 2005, a bomb explodes in Jounieh north of Beirut injuring 29 people.
- 7 May 2005, Parliament convenes to adopt the proposed changes to the electoral law of 2000.
- 30 May 2005, the first round of the elections was held. The Rafik Hariri Martyr List, a coalition of Saad Hariri's Future Movement, the Progressive Socialist Party and the Qornet Shehwan Gathering, won the majority of the seats in Parliament.
- 2 June 2005, journalist Samir Kassir is killed when his car explodes in east Beirut.
- 21 June 2005, former Lebanese Communist Party leader George Hawi is killed when his car explodes close to his home in Wata Musaytbeh.
- 30 June 2005, Fouad Siniora, former finance minister under Rafik Hariri, forms the new government composed of 23 ministers.
- 12 July 2005, Defence Minister Elias Murr is wounded and two other people are killed in a car bomb attack in Beirut.
- 22 July 2005, at least three people are wounded near rue Monot when a bomb explodes in the Ashrafieh quarter.
- 22 August 2005, three persons are injured in an explosion in a garage near the Promenade Hotel in the Al-Zalqa area north of Beirut.
- 16 September 2005, one person is killed and 10 others wounded by a bomb near a bank in Ashrafieh.

- 19 September 2005, one person is killed and two wounded in a small explosion at the Kuwaiti information office in Beirut.
- 25 September 2005, a car bomb injures prominent news anchor, May Chidiac, in north Beirut.

I. Preface

1. The present report details progress made in the implementation of Security Council resolution 1595 (2005). In that resolution, adopted on 7 April 2005, the Security Council, condemning the 14 February 2005 terrorist attack in Beirut, Lebanon, that killed former Prime Minister Rafik Hariri and 22 others, reiterating its call for the strict respect of Lebanon's independence, sovereignty, territorial integrity and unity, and noting the conclusions reached by an earlier fact-finding mission (S/2005/203), decided to establish an International Independent Investigation Commission to assist the Lebanese authorities in their investigation of all aspects of this terrorist act, in order to, among other things, help identify its perpetrators, sponsors, organizers and accomplices.

2. Prior to the adoption of resolution 1595 (2005), the Security Council had examined the report of the fact-finding mission to Lebanon on the same subject, submitted on 24 March 2005. The report reflected the outcome of a three-week enquiry, including a set of recommendations. The fact-finding mission was of the opinion that, since the credibility of the Lebanese authorities conducting the investigation was questioned, an international independent investigation should be set up to establish the truth. For this purpose, a team with executive authority needed to be created, covering all the fields of expertise needed for such an investigation. Notwithstanding the limited time and manpower the fact-finding mission was granted, its conclusions and recommendations have been of considerable value to the Commission.

3. In a letter dated 29 March 2005 (S/2005/208), the Government of Lebanon expressed its approval of the Security Council's decision to establish an international commission of inquiry as well as its readiness to cooperate with the commission within the framework of Lebanese sovereignty and of its legal system.

4. Following the adoption of resolution 1595 (2005), intensive consultations took place regarding the establishment of the Commission, its staffing and its logistical support. On 26 May 2005, a small advance team headed by Commissioner Detlev Mehlis arrived in Beirut. Mindful of the urgency of the matter, from a temporary headquarters, the team endeavoured to create the support platform for its future work.

5. On 13 June 2005, after extensive discussions with the Lebanese judicial authorities, a memorandum of understanding was signed between the Government of Lebanon and the Commission. The memorandum of understanding detailed the modalities of cooperation between the two parties. Of particular importance to the Commission was the agreement that "the Government of Lebanon shall guarantee that the Commission is free from interference in the conduct of its investigation, and is provided with all necessary assistance to fulfil its mandate". The Commission was to determine its own procedures, collect evidence, both documentary and physical, meet and interview any civilians and/or officials it deemed necessary and have unrestricted access to all premises throughout the Lebanese territory, taking into account Lebanese law and judicial procedures. The Lebanese authorities, for their part, were to assist the Commission in its work by providing all documentary and material evidence in their possession and by locating witnesses as requested by the Commission.

6. On 16 June 2005, the Secretary-General declared the Commission operational. On 17 June 2005, a press conference was held by the Commissioner to solicit publicly the assistance of the Lebanese authorities and to invite the Lebanese people to help the Commission by relaying any information which might be of interest to the investigation. Two hotlines were set up for this purpose, operated by the Lebanese authorities.

7. Shortly after the signing of the memorandum of understanding, the Lebanese authorities transmitted to the Commission an 8,000-page case docket containing all the information and evidence collected since 14 February 2005. Thenceforth, the Commission conducted a thorough criminal and judicial investigation in close cooperation with the relevant Lebanese judicial (State General Prosecutor of the Republic of Lebanon) and police (Internal Security Forces) authorities, in order to avoid duplication, overlapping or contradictory measures.

8. The Commission established close links with the Lebanese security and judicial authorities. Regular discussions were held, particularly with the judicial authorities, to exchange updated information and files, share results and plan for the emerging phases of the investigation. Most of the witnesses interviewed by the Commission were summoned through the Lebanese judicial and security authorities. A case in point was the 30 August 2005 operation, in which Lebanese security forces and Commission investigators closely coordinated the house raid and search of former senior security officials, prior to their transfer under close escort to the Commission's main operating base for interviewing.

9. The Lebanese authorities were of great assistance in establishing the main operating base, as well as a forward operating base for the work of the Commission. Lebanese security teams (police and military) worked hand in hand with the Commission's security team to ensure the safety and security of the staff and premises.

10. Although resolution 1595 (2005) gave the Commission executive authority, the Commission to a large extent was supported by the Lebanese judicial and security authorities during search and raid operations. Moreover, although the Commission was qualified to make proposals to the Lebanese authorities regarding the arrest of persons allegedly involved in the assassination, it remained the autonomous decision of the Lebanese authorities to proceed with such actions.

11. From a two-track investigation, one Lebanese, one United Nations, has emerged a complementary and unified investigation carried forward in tandem by the Commission and the Lebanese authorities. The Lebanese authorities have steadily shown the capacity to take increasing responsibility in pursuing the case. This was demonstrated by the fact that they took the initiative of arresting suspects, organizing raids and searches.

12. Given a deep mistrust that has prevailed among the Lebanese people towards their security and judicial authorities, the Commission has become a source of great expectation and hope for change, as well as an "interface" between the Lebanese people and their authorities. The two press conferences, particularly the first one, in addition to the interview of the first suspect, and the arrest of the former senior security officials at the Commission's suggestion, had a catalytic effect. All of this was proof that, in the eyes of the Commission, no one was above the law. This boosted Lebanese confidence. More witnesses came forward as the work of the

Commission progressed. However, a number of people insisted that their identity not be disclosed to the Lebanese authorities.

13. There are other points worth highlighting. First, a number of witnesses were fearful that they would be harmed if it were known publicly that they were cooperating with the Commission. For this reason, the Commission took great care to ensure that witness interviews were conducted in a confidential manner. Because the Commission credits the concern that these individuals have for their safety, this report will not reveal the identity of those interviewed. Second, as is true in any investigation, witnesses often provide information beyond the scope of the investigation being conducted. The Commission has and will continue to forward to Lebanese authorities all information related to any criminal matter beyond the scope of the Commission's investigation. Finally, the Commission interviewed people whose agenda was to point the Commission not in the direction to where the evidence would lead it, but in the direction the particular individual(s) wanted the Commission to go. The Commission dealt with these individuals and situations by remaining focused on its single mission — to follow the evidence wherever it might lead and not to follow the agenda of any particular person or entity.

14. Lebanese public opinion reflects a widespread view that, once the Commission has delivered its report and closed down, Lebanon will be "left alone". A prevailing fear is that, in the aftermath of the completion of the Commission's work, and sooner rather than later, the Syrian security and intelligence services will be back, orchestrating a "revenge campaign" in a society which remains "infiltrated" by pro-Syrian elements. Recent bombings, assassinations, and assassination attempts have been carried out with impunity; deliberate rumours and prophetic media analyses have sustained this state of mind and have deterred potential witnesses from contacting the Commission.

15. Notwithstanding fears and reluctance to volunteer information as the Commission's completion of its work seemed imminent (25 October), it is fair to say that the Lebanese people in general terms have been eager to come forward to help the Commission carry out its work.

16. The Commission could not operate in a media vacuum, particularly in Lebanon. It has been the Commission's steadfast policy not to be drawn directly into a dialogue in the Lebanese media, avoiding any escalation and staying above any challenging or provocative statements. Both press conferences were aimed at countering such speculation and clarifying the status of the investigation. Inevitably, their effect was short-lived.

17. To enhance transparency and broader cooperation, working with the judicial authorities entailed keeping the highest political authorities abreast of developments in the investigation, to the extent that such action did not call into question the independent nature of the Commission or have a direct impact on the course of the investigation per se.

18. During the course of its investigation, the Commission had to face major logistical challenges. In this regard, the extensive support and assistance of sister organizations of the United Nations system and Interpol were invaluable in the daily work of the Commission.

19. The international community, for its part, was always prompt, when asked, in coming forward with expertise. This assistance greatly facilitated the work of the

Commission and gave added value to its work. However, although the Council in resolution 1595 (2005) called on all States to provide the Commission with any relevant information pertaining to the Hariri case, it is to be regretted that no Member State relayed useable information to the Commission. A number of contacts led to mere exchanges of views and/or statements of fact. It is the Commission's reading of the resolution that the pertinent information envisaged by the Security Council would have included, among other things, intelligence information that could have been submitted without any prior request from the Commission.

20. Despite the human, technical and financial capacities mobilized for the purpose of the investigation, and although considerable progress has been made and significant results achieved in the time allotted, the investigation of such a terrorist act with multi-faceted international dimensions and their ramifications normally needs months (if not years) to be completed so as to be able to establish firm ground for a potential trial of any accused individuals. It is of the utmost importance to continue to pursue the trail both within and outside Lebanon. The Commission's work is only part of a broader process. Even as this report is being written a significant arrest was made just a few days ago; witness interviews are continuing and complex evidence continues to be reviewed.

21. The Commission has established facts and identified suspects on the basis of evidence gathered or available to it. The Commission has checked and examined this evidence to the best of its knowledge. Until the investigation is completed, all new leads and evidence are fully analysed, and an independent and impartial prosecution mechanism is set up, one cannot know the complete story of what happened, how it happened and who is responsible for the assassination of Rafik Hariri and the murder of 22 other innocent people. Therefore, the presumption of innocence stands.

22. In producing this report the Commission has endeavoured to ensure that nothing it does or says undermines the ongoing criminal investigation and any trials that may follow. The Commission at this juncture cannot disclose all the detailed elements and facts it has in its possession, beyond sharing them with the Lebanese authorities. The Commission has tried to set forth the facts and to present the analysis of those facts in a way that most accurately explains what happened, how it happened and who is responsible.

II. Background

23. The Syrian Arab Republic has long had a powerful influence in Lebanon. During the Ottoman Empire, the area that became Lebanon was part of an overall administrative territory governed from Damascus. When the countries were established in the aftermath of the First World War, Lebanon was created from what many Arab nationalists considered to be rightfully part of Syria. Indeed, since the countries became independent, they have never had formal diplomatic relations.

24. Syrian troops were invited into Lebanon by Lebanese President Suleiman Franjieh in May 1976 in the early stages of the latter's civil war. In the Taif Agreement, reached among members of the Lebanese Parliament, that ended the civil war in 1989, inter alia, Lebanon thanked the Syrian Arab Republic for its assistance in deploying its forces in Lebanon. A provision of the agreement called for Lebanon and the Syrian Arab Republic to determine jointly the future

redeployment of those forces. A later agreement reached between the two countries in May 1991 regarding cooperation restated that provision. Syrian forces withdrew in May 2005 in compliance with Security Council resolution 1559 (2004).

Relations between Mr. Hariri and the Syrian Arab Republic

25. The Commission's investigation has confirmed what many in Lebanon have long asserted, that senior Syrian intelligence officials had a powerful day-to-day and overall strategic influence on the governance of Lebanon. The apparent growing conflict between Mr. Hariri and senior Syrian officials, including Syrian President Bashar Al-Assad, was a central aspect of the information provided to the Commission through interviews and documents. A meeting in Damascus between Mr. Hariri and President Al-Assad on 26 August 2004 appeared to bring the conflict to a head. At that meeting, which allegedly lasted for 10 to 15 minutes, President Al-Assad informed Mr. Hariri, who was then Prime Minister, that President Al-Assad intended that Lebanon would extend the term in office of Lebanese President Emile Lahoud, which Mr. Hariri opposed.

26. Lebanese and Syrian witnesses, and the transcript of a meeting between Mr. Hariri and Syrian Deputy Foreign Minister Walid Al-Moallem, provided the Commission with sharply differing versions of what was said at that meeting. A number of Lebanese witnesses — including then former ministers Marwan Hamadeh and Ghazi Aridi, Druze leader and head of the Progressive Socialist Party Walid Jumblat, Member of Parliament Bassem Sabaa, and Mr. Hariri's son, Saad — reported that Mr. Hariri told them that President Al-Assad brusquely informed him of the decision to extend President Lahoud's term and threatened to "break Lebanon over your [Mr. Hariri's] head and Walid Jumblat's" if Mr. Hariri (and presumably Mr. Jumblat) did not agree to support the extension of President Lahoud's term. Syrian officials characterized the meeting differently. Syrian Foreign Minister Farouk Al-Shara' and General Rustum Ghazali, head of Syrian intelligence in Lebanon, described the meeting in positive terms. General Ghazali told the Commission that Mr. Hariri told him that President Al-Assad referred to Mr. Hariri as a "friend", and described a cordial, respectful meeting in which President Al-Assad consulted Mr. Hariri on the matter.

27. Following are excerpts of interviews conducted by the Commission regarding the 26 August 2005 meeting, relevant parts of a letter to the Commission from Mr. Al-Shara', and a portion of the transcript of a taped conversation between Mr. Hariri and Mr. Al-Moallem:

Minister for Foreign Affairs of the Syrian Arab Republic, letter to the Commission of 17 August 2005

> A meeting took place between President Bashar Assad and late Prime Minister Rafik Al-Hariri in Damascus on 26 August 2004 within the framework of the ongoing political consultation between the Syrian and Lebanese leaders. (...) A general review was made of the local and regional developments, including the possible extension of the mandate of Emile Lahoud, the President of Lebanon, in view of the troubled regional conditions and based on the mutual interest in maintaining stability in Lebanon. Mr. Al-Hariri requested that in case a consensus regarding the mandate extension is

reached in the Council of Ministers, Syria should make endeavours to get President Lahoud to better cooperate in the forthcoming period. The President requested Mr. Hariri to consult with his group and with whom he deems suitable and to take the appropriate position.

Rustum Ghazali, undated written statement, submitted to the Commission by letter of 17 August 2005

I had two meetings at Anjar on that date [26 August 2004] with Prime Minister Hariri. The first was in the morning of 26 August 2004, on his way to Damascus to meet President Bashar Assad in Damascus, and the second was on his return trip from Damascus to Beirut after meeting with President Bashar Assad in Damascus. The latter meeting was also held in our office at Anjar.

(...)

We discussed his meeting with President Bashar Assad. He [Hariri] looked relaxed. Prime Minister Hariri said that his meeting with President Bashar Assad was cordial and brief. According to Prime Minister Hariri, President Assad told him: "Abu Bahaa, we in Syria have always been dealing with you as a friend and as the Prime Minister of Lebanon. Today, I am also dealing with you as a friend and as the Prime Minister of Lebanon. Under the difficult circumstances currently witnessed by this region, with Lebanon in the midst, we are of the view that it is in the interest of Lebanon to maintain the continuity of the regime by extending the term of office of President Lahoud. As a friend, we would like you to clarify your position regarding this matter. We are in no hurry to know the answer, and you may wish to think about it at your convenience."

Marwan Hamadeh, witness statement of 27 June 2005

On Wednesday 24 or 25 August, Mr. Hariri, Mr. Jumblat and Mr. Berri were all invited to go to Damascus in order to be informed about the decision to extend Mr. Lahoud's mandate. Mr. Jumblat informed R. Ghazali that he would need to discuss it with President Assad. R. Ghazali insisted that the answer should be "yes" before setting up any appointment. He actually advised Mr. Jumblat to respond positively because this was a strategic matter for President Assad. Mr. Jumblat's answer was negative. One hour later, Mr. Jumblat called me and told me that the Syrian Intelligence had cancelled his appointment.

In the evening, Mr. Jumblat and myself went to visit Mr. Hariri. He said that R. Ghazali insisted that as long as his answer was not positive, he would not confirm his appointment either. He was asked to go to Damascus, stay in his house (...) until further notice. The following day, he was called in for a short meeting.

(...)

The day Mr. Hariri met with President Assad, I was meeting at Mr. Jumblat's residence in Beirut, with Bassem Sabaa and Ghazi Aridi. We saw that Mr. Hariri's motorcade was back by 1 p.m. which meant that the meeting in Damascus was pretty short. We saw Mr. Hariri who looked tired. He was sweating. He told the four of us that President Lahoud was to be re-

elected or "he will have to pay a high price". (...) He reported President Assad saying to him: "I will break Lebanon on your head and Jumblat's head."

Ghazi Aridi, witness statement of 1 July 2005

Mr. Hariri reported to us that President Assad told him: "If Jacques Chirac puts me out of Lebanon, I will consider different options and will let you know. Either you are with us or against us. My choice is Emile Lahoud for President. I will make sure he is the President. I will wait for your answer. (...) Tell Walid Jumblat that if he has Druze people in Lebanon, I also have a Druze community in Syria. I am ready to do anything."

Walid Jumblat, witness statement of 28 June 2005

According to Mr. Hariri, Assad told him: "Lahoud is me. I want to renew his mandate. (...) If Chirac wants me out of Lebanon, I will break Lebanon". (...) During his visit to my house, Mr. Hariri was extremely tense and disappointed. He was in a very bad position.

Jubran Tueni, witness statement of 25 June 2005

Later on, in 2004, when the issue of President Lahoud's extension came up, Mr. Hariri also told me that President Assad had threatened him directly and told him that voting against the extension would be considered as being directed against Syria. According to Mr. Hariri, President Assad added that in that case they, the Syrians, would "blow him up" and any of his family members and that they would find them anywhere in the world.

Bassem Sabaa, witness statement of 30 June 2005

When Mr. Hariri came back from his meeting with President Assad, I met him at Walid Jumblat's house.

(...)

He reported to us President Assad's words who has put it bluntly: "I am personally interested in this matter. It is not about Emile Lahoud but about Bashar Assad".

We asked him if he had had a chance to discuss the matter with President Assad. He said that President Assad told him that the matter was not open for discussion, that it was bound to happen or else "I will break Lebanon" (...). He was extremely aggravated. He told me that for the sake of Lebanon and its interests, he must think about what he will do, that we are dealing with a group of lunatics who could do anything.

Saad Hariri, witness statement of 9 July 2005

I discussed with my father, the late Rafik Hariri, the extension of President Lahoud's term. He told me that President Bashar Assad threatened him telling him: "This is what I want. If you think that President Chirac and you are going to run Lebanon, you are mistaken. It is not going to happen. President Lahoud is me. Whatever I tell him, he follows suit. This extension is to happen or else I will break Lebanon over your head and Walid Jumblat's.

(...) So, you either do as you are told or we will get you and your family wherever you are."

Rafik Hariri, taped conversation with Walid Al-Moallem on 1 February 2005

In connection with the extension episode, he [President Al-Assad] sent for me and met me for 10 to 15 minutes.

(...)

He sent for me and told me: "You always say that you are with Syria. Now the time has come for you to prove whether you meant what you said or otherwise." (...) He did not ask my opinion. He said: "I have decided." He did not address me as Prime Minister or as Rafik or anything of that kind. He just said: "I have decided." I was totally flustered, at a loss. That was the worst day of my life.

(...)

He did not tell me that he wished to extend Lahoud's mandate. All he said was "I have decided to do this, don't answer me, think and come back to me."

(...)

I was not treated as a friend or an acquaintance. No. I was asked: "Are you with us or against us?" That was it. When I finished my meeting with him, I swear to you, my bodyguard looked at me and asked why I was pale-faced.

28. At the meeting with Mr. Al-Moallem, Mr. Hariri complained that he believed that President Al-Assad was being deliberately misinformed by the Syrian security services and Mr. Al-Shara' about the actions of Mr. Hariri. Translated excerpts of the meeting include the following statements by Mr. Hariri:

- "I cannot live under a security regime that is specialized in interfering with Hariri and spreading disinformation about Rafik Hariri and writing reports to Bashar Assad."
- "But Lebanon will never be ruled from Syria. This will no longer happen."

29. During this discussion, Mr. Al-Moallem told Mr. Hariri that "we and the [security] services here have put you into a corner". He continued, "Please do not take things lightly".

30. The recorded interview clearly contradicts Mr. Al-Moallem's witness interview of 20 September 2005 in which he falsely described the 1 February meeting as "friendly and constructive" and avoided giving direct answers to the questions put to him.

Syrian cooperation with the Commission

31. The information set forth above, and the evidence collected by the Commission as described in the section below entitled "Planning of the assassination", point to the possibility that Syrian officials were involved in the assassination of Mr. Hariri. When the Commission attempted to get the cooperation

of the Syrian Government in pursuing these lines of the investigation, the Commission was met with cooperation in form, not substance.

32. The initial contact between the Commission and the Syrian authorities took place on 11 June 2005 when the Commissioner sent a letter to the Syrian Foreign Minister, requesting a meeting with representatives of the Syrian Government. Mr. Al-Shara' replied on 11 July, pledging the Syrian Government's support for the investigation in general terms. On 19 July, the Commission asked to interview several witnesses including the President of the Syrian Arab Republic. On 26 August, at the request of the Syrian Government, a meeting took place between the Commissioner and a representative of the Syrian Foreign Ministry, at Geneva. At that meeting, the Commissioner was given a letter containing written statements of four witnesses. It was indicated that President Al-Assad would not be available for any interview. The Commissioner repeated his request for direct witness interviews and was told that the request was under consideration but that President Al-Assad would not be available to be interviewed.

33. On 30 August the Commission sent another request to the Syrian Foreign Minister, requesting interviews of several additional witnesses and suspects in the Syrian Arab Republic. The letter requested the support of the Syrian Government to search the premises of the suspects. On 7 September Foreign Minister Al-Shara' informed the Commission in writing that, while the Commission's evidence was based on false testimony, his Government agreed that the persons listed in the Commission's requests of 19 July and 30 August, except for President Al-Assad, could be interviewed.

34. On 12 September details of the upcoming interviews were discussed between the Commission and a representative of the Syrian Foreign Ministry. The Commission expressed its wish that the interviews should be held in a third country, neither Lebanon nor the Syrian Arab Republic, which was refused. The Syrian authorities insisted that the interviews take place in Syria with the participation of Syrian officials. The interviews were held between 20 and 23 September. Each interview was conducted in the presence of the Legal Adviser to the Syrian Foreign Affairs Ministry or another representative of the Foreign Ministry, one interpreter, two note takers and, at times, an additional person whose affiliation was not identified. At the end of the interview process, it was apparent that the interviewees had given uniform answers to questions. Many of those answers were contradicted by the weight of evidence collected by the Commission from a variety of other sources. The Commission has not had the opportunity to follow up on these interviews or pursue its investigation regarding a possible Syrian involvement in the crime.

35. The Commission has concluded that the Government of the Syrian Arab Republic's lack of substantive cooperation with the Commission has impeded the investigation and made it difficult to follow leads established by the evidence collected from a variety of sources. If the investigation is to be completed, it is essential that the Government of the Syrian Arab Republic fully cooperate with the investigating authorities, including by allowing for interviews to be held outside Syria and for interviewees not to be accompanied by Syrian officials.

III. The crime

36. On 14 February 2005 at approximately 1250 hours, the former Lebanese Prime Minister Rafik Hariri left Nejmeh Square in Beirut going back to the Kuraytem Palace. He travelled in a motorcade comprising six cars, together with his security detail and a Member of Parliament, Bassel Fleyhan.

37. When the motorcade passed the St. George Hotel at Minae Al-Hosn Street a huge explosion occurred and resulted in the death of Mr. Hariri and others.

38. Shortly after the blast, the Director of Al-Jazeera Television in Beirut received a telephone call from a man who stated that the Nasra and Jihad Group in Greater Syria claimed responsibility for the assassination of Mr. Hariri. This message was broadcast shortly thereafter.

IV. The Lebanese investigation

Initial measures

39. To resolve a crime of this magnitude requires strong management capacity, clear roles, coordination and access to sufficient competency, manpower, equipment and means of assistance. The following brief outline reviews measures taken by the Lebanese authorities in the period from the execution of the crime until the Commission was established.

Investigative judge

40. Primary Military Investigative Judge Rasheed Mezher was responsible for the crime investigation during the period from 14 to 21 February 2005. On the latter date, a decision was taken by the Lebanese Government that the crime was a terrorist act targeting the Republic, which led to the case being transferred to a new competent court of jurisdiction, the highest Criminal Court in Lebanon, the Justice Council. A consequence of this decision was that a new investigative judge was appointed to lead the investigation, Judge Michel Abou Arraj, the representative of the Prosecutor General's Office.

41. Judge Mezher arrived at the crime scene less than an hour after the blast, accompanied by Judge Jean Fahd from the Prosecutor General's Office. He has described the situation at the crime scene as chaos. His first decisions were to appoint the Assistant Chief of Beirut Police, General Naji Mulaeb, as the person in charge of the scene and to assign him the task of removing all dead bodies and wounded people from the scene, extinguish fires and, thereafter, to withdraw all people from the scene and close it off [witness statement].

42. At 1700 hours, Judge Mezher summoned a meeting with all the involved bodies, both the Internal Security Forces and the military, comprising in total 10 officers. During the meeting Judge Mezher distributed tasks for the different bodies and gave further directions for the course of the investigation [witness statement].

43. The representatives of the Internal Security Forces during the meeting were: General Hisham Aouar as the acting Commander of the Judicial Police and Head of

the Forensic Unit, General Mulaeb as acting Commander of the Beirut Police Force, General Salah Eid as the responsible person for the blast site and Lieutenant Colonel Fouad Othman in the capacity of the Head of the Information Division [witness statement].

44. After the meeting, at approximately 1900 hours, Judge Mezher returned to the crime scene for a second time. He was not satisfied with his observations at the crime scene, but hoped it would be better the next day since responsibilities had been distributed at the earlier meeting. The shortcomings consisted mainly of lack of equipment, means of assistance and experience. In addition, there was a lack of communication between the various bodies involved, the directions from the Investigative Judge were not followed and he did not receive proper feedback concerning the progress of the investigation [witness statement].

45. During the period of his functions as Investigative Judge, Judge Mezher summoned approximately 10 people to his office for interrogations, comprising staff from the St. George Hotel, Mr. Hariri's close protection officers, the father and mother of Mr. Ahmad Abu Adass and some eyewitnesses. He also, in consultation with Judge Jean Fahd, took the decision to request assistance from Switzerland regarding a forensic expert team to assist the Lebanese authorities in the investigation. When Judge Mezher left the function of Investigative Judge, 21 February 2005, no sustainable results had been achieved in the investigation.

46. The file was handed over to the new Investigative Judge, Judge Abou Arraj. Judge Abou Arraj was Investigative Judge for the investigation from 22 February to 23 March 2005. He was appointed by First Judge Tanios Khoury, at the Supreme Council, and the file was registered at Abou Arraj's office on 22 February 2005 [witness statement]. His first opinions when reviewing the file were that the crime had been a terrorist attack that would require a long period of time and extensive investigative measures to be taken, in addition to the application of substantial resources. In his opinion, all the initial investigative measures had been performed in a professional and accurate way. He was surprised at the removal of the motorcade cars. He did not meet with Judge Mezher, but telephoned him whenever clarifications were needed [witness statement].

47. During the period of Judge Abou Arraj's tenure as the Investigative Judge, the following measures were taken [compiled notes case file].

Date (200.	*Measures*	*Affected persons*
22 February	• Recording of the lawsuit	
24 February	• Second Beirut regional detachment record	
	• Inspection of St. George Hotel	
	• Summary of all military writs	
	• Signing writs: Sûreté générale, Internal Security Forces, State Security, Intelligence	

Date (2005)	*Measures*	*Affected persons*
25 February	• Writ of the Special Criminal Investigation Section	
	• Investigations about the diggings in the area of the St. George Hotel	
	• Writ of the Special Criminal Investigation Section: notifications	• Tayssir Abu Adass and First Adjutant Maher Daouk
26 February	• Several reports were received, among them the inspection report and the report about moving the cars to Helou barracks and interrogating the guards	
28 February	• Interrogation	• Tayssir Abu Adass
	• Statements of witnesses	• Maher Daouk, Hassan Mohamed Ajuz and Amer Khaled Shehadeh
28 February	• Subpoenaing	• Rashid Hammud (at the hospital), Mohamed Queiny (former Prime Minister Rafik Hariri's bodyguards) and Tamer Lahib
	• Forensic Evidence Department: asking for the assistance of foreign experts	
1 March	• Giving the Head of the Fact-finding Mission to Lebanon, Peter FitzGerald, permission to look into the investigations	
2 March	• Interrogation of two witnesses	• Tamer Lahib and Mohamed Queiny
3 March	• The reports of Mitsubishi Company were received, together with the catalogue of the Mitsubishi pick-ups; a list of the names of the parts and pieces found at the explosion site; and a map showing (unclear)	
	• Report of Doctor Kawas regarding the examination of the body of Abdel-Hameed Ghalayini	

Date (2005)	*Measures*	*Affected persons*
	• A report was received from Army Intelligence about interrogations	• Hussam Ali Mohsen, Ahmad Ammoura and Nabil Ghsoub (unclear) regarding their relations with suspect Ahmad Abu Adass (Note: they were not arrested)
	• Report of Doctor Hussein Chahrour regarding the examination of the body of Abdel-Hameed Ghalayini	
5 March	• Subpoenaing witnesses (the first three were to be interrogated on 8 March 2005, the others on 9 March)	• Engineer Makram Aouar, Hamad Mulaeb, Hussam Ali Mohsen, Mahmoud Baydoun (officer in the Sûreté générale), Afifi Abdallah Al-Hershi (unclear), Ghassan Ben Jeddou (Al-Jazeera Channel)
7 March	• Inspection of the contents of the cardboard boxes (Dalal Dargham)	
	• Brigadier General Imad Kakour came and informed us about the investigations and took a copy of the investigation report; Ziad Ramadan was with him	
8 March	• We received the DNA results and the maps of the crime scene	
10 March	• Report of Al-Burj squad regarding the search for the body of Abdel-Hameed Ghalayini	
11 March	• The discussion of Lieutenant General Ziad Nasr and Captain Mitri Namar	
	• Convocation of Hussam Mohsen	
	• Convocation of the Palestinian Marwan Abdel-Wahhab Kattan (unclear), 14 March	
14 March	• Urging the heads of the services not to remove rubble	

Date (2005)	*Measures*	*Affected persons*
	• Statements of witnesses	• Jack Chalitta, Ali Amhaz and Marwan Koubtan
	• Letter of the international mission regarding the completion of its work	

48. On 23 March 2005, Judge Abou Arraj stepped down from the post of Investigative Judge. The reason for this was the tense political atmosphere at this particular time: a lot of mistrust was being directed towards the Lebanese judiciary and criticism being levelled at the manner of the investigation. In addition, while in charge of the Hariri investigation, he also had to discharge his normal functions. The case was contaminated with political issues and, during demonstrations in Beirut on 14 March 2005, he heard people mentioning his name in a critical manner [witness statement].

49. At the time he left the post of Investigative Judge, the only achievement in the investigation was the Abu Adass lead, despite attempts to focus on the modus operandi of the explosion and to get all experts involved to come up with one consensus opinion [witness statement].

50. Judge Abou Arraj was replaced by Investigative Judge Elias Eid who, as at October 2005, is still in charge of the investigation.

Internal security forces

51. On 14 February 2005, General Ali Al-Hajj was the Head of the Internal Security Forces (ISF). He was promoted to the post in November 2004, allegedly appointed by the Syrians, and he stepped down from the post during spring 2005 in the aftermath of the blast that killed Mr. Hariri. According to his statement, he was at his office when he was alerted about the blast. He immediately went to the crime scene by car. During the ride he called General Shahid Al-Khoury, Chief of the Services and Operations Division within ISF, who told him that it was a huge blast. General Al-Hajj then ordered General Al-Khoury to send all responsible units to the scene. The units comprised the Forensic Unit under the command of General Hisham Aouar, the Explosives Unit under the command of General Abdel-Badie Al-Soussi and the Investigation Unit under the command of Lieutenant Colonel Fouad Othman. This was his only responsibility, to provide sufficient resources. After the arrival of the Investigative Judge, all ISF staff was under the command of the Judge and General Ali Al-Hajj could not interfere in the investigation [witness statement].

52 In his opinion, the problems at the scene were related to the presence of too many different agencies, such as the Army, ISF, State Security and Public Security.

53. Later that afternoon, General Al-Hajj joined a meeting with the Higher Defence Council at the Presidential Palace. The meeting was chaired by the President. Other participants were the Minister of the Interior, the Minister of Defence, the Minister for Foreign Affairs, the Minister of Justice, the Minister of the Economy, the Deputy Prime Minister, the Minister of Public Works, the Governor of Beirut and commanders from the various security agencies. The

meeting discussed the subject matter of the crime, its referral to the Judicial Council, and the ramifications of the crime.

54. After the meeting General Al-Hajj returned to his office: soon thereafter the Al-Jazeera television channel broadcast a videotape, where Ahmad Abu Adass claimed responsibility for the blast and the killing of Mr. Hariri. From that time all available ISF resources, except those occupied with the crime scene work, were focused on the Abu Adass track.

Military intelligence

55. On 14 February 2005, General Raymond Azar was the Head of Military Intelligence. He was promoted to the post in December 1998 and stepped down during spring 2005 in the aftermath of the blast that killed Mr. Hariri. According to his statement, he was alerted about the blast by Colonel Mohamed Fehmi, Head of the Military Security Branch. He did not go to the crime scene, but followed the case in detail from his office, together with Colonel Albert Karam, the Chief of Beirut Intelligence Branch. He informed President Lahoud and General Ghazali about the blast at the time of its occurrence [witness statement].

56. Personnel from Military Intelligence (mainly specialists in the field of explosives) visited the crime scene and conducted their part of the examination. They confirmed that the type of explosive used was TNT and the estimated amount some 300 kilograms. All concrete evidence found on the site was handed over later to ISF (General Hisham Aouar) and to General Azar's knowledge there were some metal fragments and a gun. His opinion was that basically ISF, but also the Prosecutor General's Office and the Investigative Judge, had the overall responsibility for the crime investigation.

57. In the afternoon of 14 February 2005, General Azar attended the meeting with the Higher Defence Council. At the meeting, a presentation was made about the assassination of Mr. Hariri, with all the details that were available at that time. Each participant presented his own point of view.

58. At a later stage, his Directorate was assigned to focus on three elements:

- The videotape of Ahmad Abu Adass
- The cellular communications that took place in the area of the explosion
- The type and amount of explosives used.

Sûreté générale

59. On 14 February 2005, Brigadier General Jamil Al-Sayyed was the Head of the Sûreté générale. He was promoted to the post in December 1998 and stepped down during spring 2005 in the aftermath of the blast that killed Mr. Hariri. According to his statement, he was at his office when he heard the blast, but thought that the noise was a result of Israeli air fighters passing through the sound barrier. Somewhere between 1315 and 1330 hours, Lieutenant Colonel Ahmed Al-Assir informed him of the blast and that Mr. Hariri's motorcade had been the target. He stayed at his office and no one from the Sûreté générale was sent to the scene. He called the President, the Minister of the Interior and General Ghazali.

60. Later that afternoon, General Al-Sayyed attended the meeting with the Higher Defence Council. The meeting was focused on the consequences in the near future on the ground. The suggestions were submitted to the Government, which had a meeting later the same evening.

61. On Tuesday morning, 15 February 2005, he received a telephone call from a journalist from Al-Jazeera who told him nobody had yet picked up the Abu Adass videotape. The tape was brought to him 16 February 2005. He made a copy and sent the original to the Investigative Judge Abou Arraj.

Crime scene investigation

Internal Security Forces report

62. As with any similar criminal case, prompt examination of the crime scene and its surroundings is of paramount importance for the outcome of the investigation. The officer in charge of the crime scene, General Naji Mulaeb of ISF, arrived at the scene at 1305 hours on 14 February 2005. He has issued a report dated 3 March 2005 on the crime scene examination conducted by the Lebanese authorities [General Directorate of Internal Security Forces, Beirut Police Unit, Ref. No. 95] stating the following:

> *On implementation of investigation order issued by the first investigating judge of the military court in Beirut regarding the investigations and anything that can throw light on the enquiry into the explosion which caused the death of former Prime Minister Hariri and others*
>
> Record: Investigation order issued by the first investigating judge of the military court in Beirut No. 23/2005 dated 14 February 2005.
>
> Order from the General Department of Referrals No. 207/1181 dated 15 February 2005.
>
> On 14 February 2005 at about 1250 hours, an explosion took place in Beirut which the operations room reported as being close to the St. George Hotel. All patrols were ordered to go to the scene. I proceeded there and arrived within a few minutes. Cars on both sides of the road in the vicinity were ablaze and there was a lot of smoke. Civil defence, fire brigade and Red Cross vehicles hastened to the area and took action to put out the fire, gather the corpses and take the wounded to hospital. The scene was chaotic, and security and military personnel were mixed with civilians, firemen and first aid personnel, and civilians, newspaper journalists and the media were all eager to get to the scene. I ordered all the officers and police officers and patrols to do everything necessary to maintain security corridors and to take the requisite measures to safeguard the scene of the crime and keep away onlookers, and made the commander of the second Beirut regional secretariat responsible for implementation.
>
> The preliminary indications are that the explosion took place in the motorcade of Prime Minister Hariri but the outcome is not yet known.
>
> Specialists in gathering evidence and explosives experts began their work.

In addition to political and security officers, there came to the scene a Government commissioner from the Military Court with some support staff; and Rasheed Mezher, the first investigating judge from the Military Court in Beirut, who orally delegated me, in my capacity as officer in charge of the police during the absence from 12 February 2005 of the Police Commander on a mission abroad, or whoever I should see fit, to undertake the investigations and anything that could throw light on that explosion and to duly inform him. The oral authorization would be followed up in writing.

As soon as the General Director of Internal Security arrived at the scene, I informed him of all the above.

In accordance with the above-mentioned oral delegation of authority, I ordered Major Salah Eid to undertake the necessary investigative procedures in his capacity as the commander of the second Beirut regional secretariat, within the remit of which the explosion took place, and to keep me informed.

The work of retrieving the corpses and taking the wounded to hospital continued, as did the work of personnel from the Central Office of Accidents and the explosives experts. A complete sweep was made of the scene and the surroundings. A team of engineers from the Lebanese Army came and took samples from the scene in order to carry out tests thereupon. An army detachment carried out a search of the site and buildings and assisted in imposing a security cordon.

In view of the urgency of the investigation, we sent telegram No. 2065 dated 14 February 2005 to the leadership of the regional police unit and to police unit commanders in which we asked that all the necessary investigations should be carried out within the remit of each unit with respect to the corpses that had been taken to the hospitals in each area, in order to permit their relatives to identify them and duly inform me, thereby enabling me to gain the approval of the relevant authorities for the return to their relatives of those corpses. Depositions were to be taken from the wounded and a copy deposited in the file of the overall investigation, through the Al-Burj squad.

Further to our telegram No. 2077 dated 14 February 2005, sent to unit departments regarding the isolation of the scene of the crime and establishment of a security cordon around it, we ordered the commander of the second Beirut regional secretariat to use whatever personnel were necessary to perform those tasks and to place metal barricades and yellow tape around the scene and, in coordination with the commander of the traffic secretariat, to ensure the flow of traffic.

Major Eid kept me informed of the progress of the investigation and its outcome, and I duly informed the first investigating judge from the Military Court. The corpses were handed over to their relatives in accordance with legal principles.

On the instructions of the first investigating judge of the Military Court, and with the approval of the General Director of the Internal Security Forces, the cars from the Hariri motorcade were taken to the Helou barracks, once they had been photographed in situ and a video recording had been made in the presence of the commander of the second Beirut regional secretariat, the commander of the second Beirut traffic squad, the commander of the Al-Burj

detachment and a squad of criminal investigators, and using the lights provided by the civil defence, in accordance with report No. 144/302 dated 14 February 2005. They were deposited in the Helou barracks.

In our telegram No. 2122 dated 15 February addressed to the commander of the emergency services, we requested that they should be safeguarded and that no one should be allowed to touch them.

At 1500 hours on 15 February 2005, Major Omar Makkawi, the commander of the Beirut police unit, reported and assumed his command. He informed me of all the procedures that had been taken and all incidents that had occurred, and we followed up the process of the investigation being undertaken by Major Salah Eid. We then duly informed the first investigating judge of the Military Court of the same.

Pursuant to warrant No. 2F206/... dated 17 February 2005, the unit commander transferred to us the written delegation of authority issued by the first investigating judge of the Military Court, Ref. 23/2005 dated 14 February 2005, concerning the explosion, which was transmitted to us for implementation by the General Directorate as No. 2SH207/1181 dated 15 February 2005.

Similarly, the unit command gave us, pursuant to warrant No. 206/1735 dated 18 February 2005, written authorization from that party, Ref. 36/2005 dated 18 February 2005, which included an order to keep the cars from the Hariri motorcade inside the barracks, cover them with tents and place them under guard, which was done.

In accordance with warrant No. 2F206/1736 dated 18 February 2005, the first investigating judge of the Military Court gave us written authorization Ref. 36/2005 dated 18 February 2005, which included an order to contact the Governor of Beirut, who should supply us with the names of those recently working at a workshop at the site of the explosion. The aforementioned authority was carried out by means of a document of 14 pages which is attached.*

Pursuant to the first delegation of authority referred to above, on the basis of the order to the commander of the second Beirut regional secretariat to carry out the investigation, and as a result of the first report, No. 302/143 dated 14 February 2005 and all the investigations arranged by the units in the police unit and the regional police unit, we hereby submit the following: table No. 1 has been prepared concerning the corpses that have been returned to their relatives; table No. 2 has been prepared concerning the persons injured by this explosion; table No. 3 contains the depositions that were made concerning the explosion; a table has been prepared showing the measures that were taken: an examination of the scene of the crime; articles impounded; damaged cars; the loss of one person at the site of the explosion and the failure to find him.*

All those procedures have been verified in report No. 302/1 dated 14 February 2005.

* Not included in the present report.

Swiss forensic report

63. The Lebanese experts involved in the crime scene examination, representing a variety of different agencies, came up with different opinions on the findings and results of the examination. As a result, they were summoned to a meeting at the Military Court in the presence of the Prosecutor General [witness statement]. The meeting led to a request from the Lebanese authorities for foreign assistance in examining the crime scene, which was directed to the Government of Switzerland. A Swiss forensic expert team visited Lebanon in March 2005 and conducted a forensic investigation. The team's final report stated (excerpt):

> Our conclusions about an explosion above or under ground are based upon the following examinations:
>
> - Interpretations based on dispersion of fragments, size and shape of fragments
> - Interpretations based on size and shape of crater
> - Ballistic interpretations
> - Interpretations of damage on buildings (structure, glass)
>
> After interpretation and analysis of the dispersion of fragments, we cannot give clear evidence whether there was an explosion above or under ground. Our analysis and research concerning the shape and form of the crater also give no clear evidence whether there was an explosion above or under ground.
>
> On the other hand, the form and shape of the crater give some information about the possible amount of the charge (above or under ground):
>
> - As mentioned in our report it is expected that an amount of about 1,000 kg above ground will create a crater like the one at the scene
>
> (...)
>
> Concerning the fact that the charge was possibly placed in a car, it must have been of larger size. If such a vehicle has been used we expect some big fragments (e.g. from the frame) of the vehicle close to the centre of the explosion.
>
> The grade of damage of the metal fragments which were shown to us by the police (said to have originated from a Mitsubishi Canter) is consistent with fragments we would expect if such a vehicle was located in the centre of the explosion.
>
> (...)
>
> After having conducted all the analysis and discussions of the facts we have collected, we came to the conclusion that it was most likely an explosion above ground.
>
> According to this finding we estimate an amount of 1,000 kg of high explosive.
>
> The unconfirmed and preliminary results of the analysis of a soil sample of the crater showed Trinitrotoleune (TNT) as explosive charge.

Rifi report

64. In March 2005, the present Head of ISF, General Ashraf Rifi, prepared a report on the initial measures taken by the competent Lebanese authorities at the scene of the crime, which was submitted to the United Nations Fact-finding Mission. The report concluded (excerpt):

II. Measures taken

The importance of this tragic event that led to the assassination of former Prime Minister Rafik Hariri had an effect on all subsequent measures and actions taken.

A. Rescue and evacuation operations and find of bodies

In the immediate aftermath of the explosion, security, military and civil defence organs as well as the Red Cross rushed to the crime scene to perform their duties. In spite of all the measures taken, these were, unfortunately, not up to the level that would save the face of these organs. These measures were flawed. Therefore, the Minister of Interior and Municipalities issued a memorandum 137/(sad)2, dated 25 February 2005, instructing the General Inspectorate of the Internal Security Forces to investigate the deeds and actions. Based on the results, he suggested the dismissal of both the General, Chief of Beirut Police and the General, Chief of the Judicial Police.

B. Preservation of the crime scene

Immediately after the explosion happened, the military investigating judge was put in charge of the investigation. All the security and judicial police personnel were put at his disposal. He gave rogatory commissions and stipulated the kind of measures to be carried out, especially the preservation of the crime scene. However, the measures taken were below the required level and contrary to the obvious fundamental basis upon which crimes as serious as this one or even less serious crimes are investigated, in which case, strict measures ought to be taken in order to prevent any tampering with the crime scene or any clues that could be used as criminal evidence to help in the investigation and uncover the truth. This could have been carried out without neglecting the humanitarian aspect of the tasks to be implemented, i.e. giving priority to finding the victims and the injured, providing the latter with first aid in order to save them. Serious mistakes were recorded in this regard:

(a) There was a state of chaos at the crime scene not only during the first few hours following the explosion, during which much focus was on extinguishing the fire, saving the injured and looking for the missing, but regrettably and unnecessarily for a much longer time.

(b) There was no coordination between all the security organs present at the crime scene.

(c) Looking for the missing persons was done in an irresponsible, unprofessional and careless way. Some were later found by accident or by their families. The following controversial elements were recorded:

- The body of Zahi Abu Rujaili, a Lebanese citizen, was found on 15 March 2005. According to the medical examiner, the victim had survived the explosion for approximately 12 hours.

- The body of one of the victims was found by coincidence 8 days after the explosion.
- The body of Abdel-Hameed Shalayini, a Lebanese citizen, was found 16 days after the explosion by his family and not the judicial or civil defence officers.
- The fate of Farhan Ahmad Al-Issa is still unknown, he is still missing. It is feared that finding his body would constitute yet another scandal.

(d) A few hours after the explosion took place, around 2300 hours, major evidence was removed from the crime scene. The convoy cars of the late former Prime Minister were transferred to Helou barracks under the pretext of preserving them although what was left of the cars did not justify their preservation except for their value as criminal evidence because they were the target of the explosion. This was not the only instance bearing proof of tampering with the crime scene. A BMW car that was not part of the convoy was also removed, whereas focus should have been on not removing any cars and maintaining them the way they rested after the explosion in order to determine how the crime was committed.

(e) A bulldozer was introduced into the crime scene on the day of the explosion, 14 February 2005, in the evening for no justifiable reason. As soon as the Minister of Interior and Municipalities got knowledge of it, he gave orders to retrieve it and preserve the crime scene as it was.

C. The conduct of the investigation, its conditions and the determination of how the crime was committed

(a) It is common knowledge that major mistakes were made in the course of conducting the investigation, among them the leaking of information that created confusion. This in turn compromised the trustworthiness of the local investigation.

(...)

III. Responsibilities

(a) Responsibility for a tragic crime such as the one we are dealing with cannot be limited to one aspect. As mentioned above, it encompasses the political, judicial and security aspects.

(...)

Decision to remove motorcade vehicles

65. The decision to fill the crater at the crime scene, to remove the motorcade vehicles and to reopen the street on the day after the blast is confusing, assuming that there was a collective will to perform a professional crime scene examination in order to track down the perpetrators and bring them to justice. The confusion, reflected in the variety of statements from the officials most closely involved, speaks for itself.

Investigative Judge Mezher

66. At 2230 hours on 14 February, Judge Mezher was at his home, when he got a telephone call from General Naji Mulaeb, who informed the Judge that the representatives from the various agencies at the crime scene had started collecting pieces of metal from the motorcade vehicles in order to perform their own further forensic examinations. There was nothing General Mulaeb could do to stop them. He suggested that the motorcade vehicles be removed to a safe place and proposed the Helou barracks in Beirut. Judge Mezher agreed to the proposal under the following conditions. The vehicles should be filmed on the spot, they should be marked and numbered: they should also be filmed during the transportation and again upon arrival at the Helou barracks, where they should be covered and guarded around the clock in order to avoid any tampering with evidence. Judge Mezher had no information about a decision to fill the crater and reopen the street [witness statement]. The vehicles were moved from the crime scene during the night of 14 February.

General Jamil Al-Sayyed

67. On the morning of 15 February 2005, General Al-Sayyed read in the newspaper about the removal of the motorcade vehicles. At 0800 hours, he called General Ali Al-Hajj, the Head of ISF, and asked what was going on. General Al-Hajj replied that two teams were working on clearing the road which would be reopened at 1000 hours. In response to a direct question, General Al-Hajj stated that the orders came from Mustapha Hamdan, the Commander of the Presidential Guard [witness statement].

General Ali Al-Hajj

68. On 14 February 2005 at 2230 hours, General Al-Hajj received a telephone call at his office (where he was with General Hisham Aouar) from the Director General of the Public Works Ministry, Mr. Fadi Nammar. Mr. Nammar told him that a decision had been taken to reopen the road the next day and that his staff were ready to start working at sunrise the next morning. The call was on the landline and was overheard by General Aouar. He claimed to be surprised about the telephone call because Mr. Nammar had no jurisdiction in the matter. It was publicly recognized that Fadi Nammar was very close to the Presidential Palace, which meant that he was taking his orders from there. Mr. Nammar alleged that he had cleared the matter with the Investigative Judge. He called the acting Chief of Beirut Police, General Naji Mulaeb, and informed him about the call from Mr. Nammar and asked him to check with Judge Mezher whether he was aware of this decision. General Mulaeb called Judge Mezher, who was aware of the decision to reopen the road and had no objection. General Mulaeb then asked what should be done with the vehicles. Judge Mezher replied that they should be brought to a secure place and proposed the Helou barracks [witness statement].

69. The next morning, 15 February 2005, Mr. Nammar met with the Governor of Beirut, Mr. Yacoub Sarraf, in order to arrange for the reopening of Minae Al-Hosn Street. Sarraf is very close to the Presidential Palace and he was also aware of the decision [witness statement].

General Hisham Aouar

70. With regard to the removal of the motorcade, General Aouar indicated that he did not know who gave the order. He was asked to assist in the filming of the removal of the motorcade on 14 February 2005 during the meeting with the Investigative Judge, but nothing else was mentioned about the removal of the motorcade vehicles from the crime scene. On that same evening, between 2230 and 2300 hours, he was at the office of ISF General Director, General Ali Al-Hajj, and he told him that the cars were going to be removed. He also told him that ISF had to provide assistance by marking the locations of the vehicles and their filming [witness statement].

Director General Fadi Nammar

71. Mr. Nammar did not remember whether General Al-Hajj telephoned him on 14 February 2005, but he remembered his calling General Al-Hajj the next day, as he always did in similar situations. At the time of the telephone call, he was at the office of the Governor of Beirut. He told General Al-Hajj that they were prepared, if needed, to offer help. General Al-Hajj passed him on to a General working for ISF, who told him that there was a survey going on at the crime scene. The General stated he would come back to Mr. Nammar in due course. Mr. Nammar did not recall the name of the General, but he was with Al-Hajj. He had no authority to decide to open roads in Beirut and he did not give any orders to remove the motorcade vehicles. He also denied any contacts with the Presidential Palace [witness statement].

72. Subsequently, it was confirmed (from telephone lists) that General Ali Al-Hajj made the telephone call from his landline to Mr. Nammar's mobile phone on the evening of 14 February 2005. It was also confirmed that Mr. Nammar made the telephone call to General Al-Hajj the following day [witness statement].

The Governor of Beirut, Yacoub Sarraf

73. According to his statement he did not give any instructions. The Army and the Police took over. He had telephone contact with Mr. Fadi Nammar on 14 February 2005.

Acting Commander of Beirut Police, General Naji Mulaeb

74. Between 2030 and 2200 hours on 14 February 2005, General Mulaeb received a telephone call at his office from General Ali Al-Hajj who ordered General Mulaeb to transfer the convoy vehicles from the crime scene and secure them in a safe place, on the understanding that within two days the road would be reopened. If experts wanted to come and inspect the vehicles, they would be available. General Mulaeb was surprised by this order and did not accept it. He told General Al-Hajj that he had nothing to do with the crime scene, since the site was under the authority of Judge Mezher. General Al-Hajj told General Mulaeb to contact the Judge, which he did. The Judge was also surprised and asked the reason for the hurry. General Mulaeb told him that he received his orders from General Al-Hajj and that he was surprised as well. The Judge told him to give him some time and that he would call back. After a while, between 10 and 30 minutes, the Judge called back and said that the cars could be transferred [witness statement].

General Mustapha Hamdan

75. After the blast on 14 February 2005, General Hamdan took all necessary measures to protect the President and the presidential areas. He did not recall any details, but he did not go to the scene of the blast. He did not issue any orders or directives regarding the activities at the crime scene, since it did not fall within his responsibilities. Thus, he had nothing to do with any orders to clean the street, to fill the crater or to remove the motorcade vehicles [witness statement].

Head of Internal Security Forces, General Ashraf Rifi

76. In a meeting with the Commission on 1 June 2005, General Rifi stated that the person who gave the order to get a bulldozer or bulldozers to the crime scene to fill the hole caused by the explosion etc. was General Mustapha Hamdan, who at the time of the incident was the Commander of President Lahoud's security detail and therefore by Lebanese law had nothing to do with issues related to crime scene investigation [witness statement].

Lebanese investigation: Ahmad Abu Adass

77. At approximately 1411 hours on 14 February 2005, barely an hour after the explosion, Leila Bassam of Reuters received an anonymous telephone call from a man with an accent that was not Lebanese but which she could not identify. According to Ms. Bassam, as soon as she answered the call, the man directed her to "[w]rite this down," told her to be quiet, and then read the following statement in classical Arabic:

> We, Al-Nasra wal Jihad fee Bilad Al-Sham, declare that we have meted out due punishment to the infidel Rafik Hariri so that he may be an example to others.

The caller concluded with an Islamic religious saying and then hung up.

78. Ghassan Ben Jeddou, the Beirut bureau chief of Al-Jazeera, recalls receiving four telephone calls that day related to the same claim of responsibility. In the first telephone call, a man whom Mr. Ben Jeddou described as speaking poor Arabic in an African, Afghan or Pakistani accent, claimed that Al-Nasra wal Jihad was responsible for Mr. Hariri's execution by a suicide bomb. Shortly thereafter, Al-Jazeera informed the public about this claim of responsibility. (Mr. Ben Jeddou recalls that Al-Jazeera received four telephone calls that afternoon, the first around 1340 and the last around 1600 hours. However, telephone records show only three telephone calls to Al-Jazeera that afternoon, at 1419, 1527 and 1704 hours.) Al-Jazeera next received a call from another anonymous person claiming to be from the same group, this time a fluent Arabic speaker, who explained where Mr. Ben Jeddou and his colleagues could locate a videocassette containing further information about the assassination — namely, in a tree near the Economic and Social Commission for Western Asia (ESCWA) building in downtown Beirut — and directing them to fetch the tape within 15 minutes. Mr. Ben Jeddou sent a colleague to locate the videocassette. Eventually, a white envelope containing a typewritten detailed statement and a videocassette was found. After more calls from the same group asking why the tape had not yet been aired, Al-Jazeera aired the footage later that afternoon.

79. The letter accompanying the tape, purporting to be from the Nasra and Jihad Group of Greater Syria, states in part:

> Praise be to God for the banner of Nasra and Jihad is victorious in Greater Syria, and with God's blessings the agent of the infidels in Mecca and Medina, Rafik Hariri, has been meted out his due punishment through a suicide operation executed by the Mujahid Ahmad Abu Adass bearing the banner of Nasra and Jihad in Greater Syria on Monday, 14 February 2005, the 5th of Muhurram 1426 according to the Islamic Calendar, in Beirut. ... Attached is film recording of the martyr Ahmad Abu Adass, executor of the operation.

In the tape, an individual identifying himself as Mr. Abu Adass uses similar phraseology.

80. Soon after the airing of the tape, the Lebanese authorities acquired extensive information about Mr. Abu Adass's background and began questioning his family and associates. Much of this information apparently came from Sheikh Ahmed Abdel-Al, of Al-Ahbash, an Islamic group active in the area of the Palestinian camps where Mr. Abu Adass had reportedly lived. Sheikh Abdel-Al stated to the Commission that he had received a telephone call from the Presidential Palace shortly after the airing of the Abu Adass video, enquiring whether Mr. Abdel-Al had any information about Mr. Abu Adass. According to Mr. Abdel-Al, he obtained information about Mr. Abu Adass's background, including his address, the fact that he often went to Ein al Helwa, that he was a Wahabi, that he was well-educated, had probably studied computer science and that he visited Abu Obeida (deputy to the leader of Jund al Sham). Sheikh Abdel-Al also obtained the names of Mr. Abu Adass's family and friends: he sent this information by facsimile to President Lahoud, Ali Al-Hajj, Albert Karam, Jamea Jamea and Maher al Toufeily. Sheikh Abdel-Al reportedly also met with Jamea Jamea, a Syrian intelligence official, on the evening of 14 February 2005 and gave him the information about Mr. Abu Adass, which Jamea Jamea subsequently relayed to ISF.

81. ISF visited Mr. Abu Adass's house, accompanied by a member of Al-Ahbash, and seized a computer, as well as a number of compact disks which were primarily of a fundamentalist Islamic nature. Although the report on the search noted that most of the documents stored on the computer had been downloaded from the Internet, there was no indication that Mr. Abu Adass's home had Internet access. Many of Mr. Abu Adass's friends and relatives were interviewed extensively by the authorities (including by ISF and military intelligence) in the days immediately following the explosion. Mr. Abu Adass himself, however, could not be located. On the day of the explosion 10 people were questioned and over the course of the next two months approximately 40 people were interviewed. The Lebanese investigation further revealed that Mr. Abu Adass had been employed at a computer shop in the summer of 2004, which was owned in part by Sheikh Ahmed Al-Sani, who was a member of the Ahmed Miqati and Ismail Al-Khatib network.

82. In a report dated 17 February 2005 from General Al-Sayyed to Judge Mezher, General Al-Sayyed concluded that the videotape was authentic and that "Ahmad Abu Adass, who appears on the tape, was ... clearly a definite participant in the assassination". The only basis provided for this conclusion was the statement that "[t]he way in which he delivers the statement and shows himself without any covering over his face is the manner adopted by suicide bombers in similar cases.

The fact that he did not conceal his face while making the statement indicates that he must have been personally responsible for setting off the explosion" [information about facts relating to the broadcast on Al-Jazeera of a videotape claiming responsibility, No. 606/A'A, 17 February 2005].

Australian investigation

83. On 15 February 2005, a request was forwarded to the Australian Federal Police from the Prosecutor General requesting that six individuals be arrested as suspects for participating in the Hariri assassination. The responsible ISF official at Beirut International Airport informed ISF General Al-Hajj about these six individuals. General Al-Hajj transmitted this information directly to the Prosecutor General, Judge Rabia Kaddoura, who contacted the Australian authorities. The Australian investigation absolved these six suspects of any involvement in this crime, a position with which the Lebanese authorities in charge of the investigation agreed.

84. The records indicate that the Lebanese authorities based their suspicion on the following factors:

(a) The six persons of interest departed from Beirut International Airport one and a half hours after the bombing occurred;

(b) The six persons had no luggage;

(c) One of the six persons bore a resemblance to Mr. Abu Adass, who was depicted in a video of an extremist group that had claimed responsibility for the bombing.

85. The Australian authorities executed an extensive investigation to assist the Lebanese authorities. The investigation included raising airport alerts, interviewing the six individuals and other members of the group, swabbing for residual explosives (including the individuals, their aeroplane seats, and their luggage) and examining the aircraft for possible explosives. Although it was reported that the six persons identified as "suspects" were without luggage, they in fact were carrying luggage. Three of the six suspects were subjected to a forensic examination.

86. The findings of the Australian investigation revealed: (a) the group was travelling to Jeddah as part of a religious pilgrimage; (b) no common organic or inorganic explosive or post-blast residue was detected in any of the samples taken; and (c) no person interviewed by the Australian authorities with respect to this investigation had any involvement in nor any knowledge about any involvement in the Hariri assassination.

V. The Commission's investigation

Overview

87. The Commission was declared operational by the Secretary-General on 16 June 2005. From 16 June to 6 October 2005, 244 witness statements, 293 investigators' notes and 22 suspect statements were issued. A number of searches were conducted and 453 crime scene exhibits were seized. A total of 16,711 pages

of documents have been produced. Thirty investigators from 17 different nations have been involved in the Commission's investigative measures, as well as external experts.

88. At the outset, the time factor affecting the Commission has to be emphasized. The Commission was declared operational four months after the actual crime, which means that the perpetrators and their accomplices had plenty of time to destroy evidence and/or to collude with each other, the ability to recall potential witnesses had diminished and previous omissions and inadvertent or deliberate loss and destruction of evidence could not be undone.

89. The first month after the Secretary-General declared the Commission operational was focused on updating the investigators on the current status of the investigation, including an assessment of measures undertaken by the Lebanese authorities. Much time was spent on analysis of material handed over to the Commission by the Prosecutor General, followed by interviews for clarification with key witnesses, based on written materials on the following topics:

- Reconstruction of actions and whereabouts of Mr. Hariri prior to the blast
- Findings and results from activities of the Lebanese authorities undertaken at the crime scene and adjacent areas
- Tampering with evidence
- Roadworks at the scene prior to the blast
- The Abu Adass track
- The Mitsubishi Canter van
- Collection and analysis of telephone lists
- Collection and analysis of closed-circuit television (CCTV) material, videos and photos collected from a diverse set of possessors depicting the scene prior to and after the blast
- Financial transactions

90. These measures in turn led to new witnesses. A public information hotline was installed on which anybody could approach the Commission about the case: this measure resulted in several new interviews and new clues that needed to be followed up.

91. The compilation and organization of files and evidence was time-consuming, involving maintaining and improving the system for storing and recording evidence, which includes thousands of pages of documents and written testimonies, as well as numerous videos and photographs. Legal issues highlighted the need for research into Lebanese criminal law and procedure in order to ensure the proper protocols for searches, arrests, suspect interviews and charging documents. The Lebanese authorities' assistance in these matters was very praiseworthy.

92. The second month was characterized by a change in investigative directions and priorities, in the sense that investigators followed up new clues and tracked down new witnesses based on their conclusions from previous measures and professional analysis. Many different sources approached the Commission and provided the investigation with useful information. The vast majority of senior

officials among the relevant Lebanese authorities were interviewed to clarify the allotment of competencies, chains of command and the extent of their involvement, as well as decisions taken (or neglected). During this period of time the support base of the Commission was reinforced and new software programs were installed, which made the database more operational.

93. During the third month, a full-scale crime scene examination was conducted by a joint Dutch/British/Japanese expert team at the site itself and in adjacent areas, including the sea floor adjacent to the scene of the blast. The aim of this operation was to find physical evidence at the crime scene, to reconstruct the improvised explosive device (IED) used and to identify the Mitsubishi Canter van. The operation was accomplished in situ during September.

Planning of the assassination

94. Despite all measures and efforts undertaken by the Commission, no new hard leads or traces regarding the motive and reason for assassinating Mr. Hariri have emerged to supplement those which can be attributed to events during the second half of 2004, which culminated in Mr. Hariri's decision to step down as the Prime Minister, and to the prognosis of the outcome of the general elections in Lebanon. Strong indicators on the latter matter are the massive Future Party election campaign; the Lebanese authorities' reaction in the olive oil affair in February 2005, in which distributors were arrested (by the Lebanese authorities while distributing free olive oil at the behest of Mr. Hariri) (investigator notes) and last but not least the factual outcome of the elections. New witnesses have approached the Commission who were reluctant to have any contacts with the Lebanese authorities due to lack of confidence, stating that the assassination of the former Prime Minister could not have occurred without the knowledge of the Lebanese authorities and the approval of the Syrian Arab Republic.

95. The structure and organization of the Syrian and Lebanese intelligence services in Lebanon at the time of the blast, including protocols for reporting, shows a pervasive impact on everyday life in Lebanon. Good examples of this are documents collected from the former Syrian intelligence post, Villa Jabr, at Bologna Forest, Lebanon, and an intercepted telephone conversation between General Ghazali and a prominent Lebanese official on 19 July 2004 at 0945 hours, an excerpt of which follows:

> Ghazali: I know it is early but I thought we should keep you posted. The President of the Republic told me this morning that they are two to rule the country, the Prime Minister and him. He said that things cannot continue this way. The Prime Minister is always irritating him and we are always shutting him up and yelling at him. He made it clear he cannot continue this way.
>
> (...)
>
> X: Take it easy on me. Can you appoint a new Government at this time?
>
> Ghazali: Yes we can appoint one. What could be the problem? We can name Botros Harb.
>
> (...)

Ghazali: Let me tell you one thing. Let the worker's movement take the street on the 20th in Solidere and Koraytem.

X: Let's talk it over. Take it easily. I have to take into consideration the best interests of Syria and Lebanon.

Ghazali: We are keen on Syria's best interest but I am now talking about Rafik Hariri.

X: So, the decision is taken.

Ghazali: I wish to tell you one thing. Whenever we need to speak to Hariri we have to suck up to him and he does not always answer.

X: To hell with him. What do I care about him?

Ghazali: What do I care about him? The President can't stand him so why should I?

X: Fine, may he rot in hell ...

(...)

Ghazali: No. Let him be the laughing stock and be pointed at as the person who ruined and indebted the country. Let the people take the street in Koraytem and Solidere; let the manifestations continue until he is forced to resign like a dog.

X: What about another option: I send him a message saying: Resign God damn it.

Ghazali: No, don't send him a message or else he will say "they forced me to resign". Let the street ... you know what I mean. Or else he will use this as a bargaining card with his American and French masters.

X: So shall we leave things to the street?

Ghazali: This is better.

X: Let's go for it.

96. One witness of Syrian origin but resident in Lebanon, who claims to have worked for the Syrian intelligence services in Lebanon, has stated that approximately two weeks after the adoption of Security Council resolution 1559 (2004), senior Lebanese and Syrian officials decided to assassinate Rafik Hariri. He claimed that a senior Lebanese security official went several times to the Syrian Arab Republic to plan the crime, meeting once at the Meridian Hotel in Damascus and several times at the Presidential Place and the office of a senior Syrian security official. The last meeting was held in the house of the same senior Syrian security official approximately 7 to 10 days before the assassination and included another senior Lebanese security official. The witness had close contact with highly ranked Syrian officers posted in Lebanon.

97. At the beginning of January 2005, one of the highly ranked officers told the witness that Rafik Hariri was a big problem to Syria. Approximately a month later the officer told the witness that there soon would be an "earthquake" that would rewrite the history of Lebanon.

98. The witness visited several Syrian military bases in Lebanon. At one such base, in Hammana, he observed a white Mitsubishi van with a white tarpaulin over the flatbed. The observations were made on 11, 12 and 13 February 2005. The Mitsubishi left the military base in Hammana on the morning of 14 February 2005. The Mitsubishi Canter van, which was used as the bomb carrier, entered Lebanon from the Syrian Arab Republic through the Bekaa border and a military "hot lane" on 21 January 2005 at 1320 hours. It was driven by a Syrian colonel from the tenth army division.

99. On 13 February 2005, the witness drove one of the Syrian officers to the St. George area in Beirut on a reconnaissance exercise, as he subsequently understood it to have been after the assassination took place.

100. Regarding Mr. Abu Adass, the witness has stated that he played no role in the crime except as a decoy. He was detained in the Syrian Arab Republic and forced at gunpoint to record the videotape. Subsequently, he was killed in Syria. The videotape was sent to Beirut on the morning of 14 February 2005, and handed over to General Al-Sayyed. A civilian with a criminal record and an officer from the Sûreté générale were tasked with putting the tape somewhere in Hamra and then calling Ghassan Ben Jeddou, an Al-Jazeera TV reporter.

101. General Al-Sayyed, according to the witness, cooperated closely with General Mustapha Hamdan and General Raymond Azar in the preparation of the assassination of Mr. Hariri. He also coordinated with General Ghazali (and, among others, people from Ahmad Jibreel in Lebanon). General Hamdan and General Azar provided logistical support, including money, telephones, cars, walkie-talkies, pagers, weapons, identification cards, etc. Those who knew of the crime in advance were, among others, Nasser Kandil and General Ali Al-Hajj.

102. Fifteen minutes before the assassination, the witness was in the vicinity of the St. George area. He received a telephone call from one of the senior Syrian officers, who asked the witness where he was. When he answered, he was advised to leave the area immediately.

103. Another witness approached the Commission and stated that he had met with General Hamdan in the middle of October 2004. General Hamdan talked very negatively about Mr. Hariri, accusing him of being pro-Israeli. General Hamdan ended the conversation by stating: "We are going to send him on a trip, bye-bye Hariri". After the assassination, the witness was strongly reminded not to discuss this conversation with anyone.

104. Another "witness" who later became a suspect, Zuhir Ibn Mohamed Said Saddik, has given detailed information to the Commission about the crime, in particular insofar as the planning phase is concerned. The main points of Mr. Saddik's statement are set out in paragraphs 105 to 110 below.

105. One of the main issues raised in Mr. Saddik's statement was a report that he said was drafted by Nasser Kandil. This report stated that Mr. Hariri and Marwan Hamadeh had had a meeting in Sardinia. At the end of the report Mr. Kandil stated that a decision should be taken to eliminate Mr. Hariri. Mr. Kandil was tasked with planning and implementing a campaign aimed at ruining Mr. Hariri's reputation at the religious and media levels. The Baath Party in Lebanon decided that it should get rid of Mr. Hariri by any possible means and isolate him, since President Lahoud's attempt to remove him from the political scene had failed.

106. Mr. Saddik stated that the decision to assassinate Mr. Hariri had been taken in the Syrian Arab Republic, followed by clandestine meetings in Lebanon between senior Lebanese and Syrian officers, who had been designated to plan and pave the way for the execution of the assault. The meetings started in July 2004 and lasted until December 2004. The seven senior Syrian officials and four senior Lebanese officials were alleged to have been involved in the plot.

107. Planning meetings started in Mr. Saddik's apartment in Khaldeh and were subsequently moved to an apartment in Al-Dahiyye, a district of Beirut. Some of these individuals visited the area around the St. George Hotel under different guises and at different times for purposes of planning and preparing the assassination.

108. Mr. Saddik also gave information about the Mitsubishi itself and that the driver eventually assigned had been an Iraqi individual who had been led to believe that the target was Iraqi Prime Minister Iyad Allawi (who happened to be in Beirut prior to the assassination).

109. Mr. Saddik had been informed that TNT and some special explosives had been used in order to direct suspicions towards extremist Islamic groups, as these kinds of explosives had only been used in operations in Iraq.

110. A trip by Mr. Saddik with Abdel-Kareem Abbas led to a camp in Zabadane. Mr. Saddik claimed to have seen the Mitsubishi Canter van in this camp: mechanics were working on it and emptying the sides. The sides of the car's flatbed, as well as the doors of the Mitsubishi, had been widened and filled with explosives, which had also been put underneath the driver's seat. In the camp he had seen a young man whom he had been able to identify as Mr. Abu Adass after seeing the video on TV on 14 February 2005.

111. On 30 August 2005, the Commission sent an official letter to the Syrian Arab Republic with questions regarding the Zabadane camp. The answer was handed over personally to the Commissioner in New York, confirming the existence of the camp but denying it to have been used for any purposes others than juvenile educational activities. However, from other information given to the Commission, there are strong indications of activities within the camp during the period from 5 to 9 September 2005, geared towards changing the features and operations within the premises. Satellite pictures also show high walls and watchtowers in the area.

112. On 26 September 2005, investigators of the Commission had a meeting with Mr. Saddik. On 27 September, Mr. Saddik confessed in a handwritten document that he had participated in the immediate planning phase before the assassination (January and February 2005) and that he was acting as a driver for several of the above-mentioned suspects during the entire day of 14 February.

113. Consequently, on 13 October 2005, on the suggestion of the Commission, the Lebanese Prosecutor General issued an arrest warrant concerning Mr. Saddik, which led to his arrest on 16 October.

114. At the present stage of investigation, a certain amount of information given by Mr. Saddik cannot be confirmed through other evidence.

115. The wife of Mr. Saddik has confirmed that, during the period from July to December 2004, her husband met a huge group of people on several occasions in their home in Khaldeh as well as at other locations. He did not want her to be present, since these people wished not to be identified. She has also confirmed visits

at their home by Dhafer Al-Yussef, in the company of three other men unknown to her.

116. The fact that Mr. Saddik implicated himself in the assassination, which ultimately led to his arrest, adds to his credibility.

117. Other witnesses have informed the Commission that the day before the assassination of Mr. Hariri, the late chief of Mr. Hariri's close protection detail (Yehya Al-Arab, alias Abu Tareq) had a meeting with General Ghazali. It seemed that Mr. Al-Arab was badly shaken by that meeting. Instead of reporting immediately to Mr. Hariri as usual, he went to his house, turned off his phone and stayed there for a few hours. The version given by General Ghazali of this meeting is not compatible with the information given by other witnesses to the Commission.

Other elements to be considered

118. Some other circumstances to be kept in mind regarding the planning phase of the crime are the surveillance measures targeting Mr. Hariri undertaken by ISF and the wiretapping of Mr. Hariri's telephones by the Military Intelligence Service (see section entitled "Hariri telephone wiretapping").

119. One of the first measures General Al-Hajj undertook after being appointed to the post as the head of the Internal Security Forces was to reduce the number of State security personnel around Mr. Hariri from a level of 40 down to 8 in November 2004. The reason was asserted to have been a letter from the Lebanese President and the Prime Minister that Lebanese law should be applied at all levels and in all matters. According to a decree (No. 3509 of 1993), the number of security staff for a person in the Hariri category should be eight. The Commission has not been able to ascertain whether anyone else was affected by the same decree.

120. There are still some activities on Minae Al-Hosn Street in Beirut prior to the blast that have to be further investigated, which could elucidate details from the planning phase and as such lead to the perpetrators.

121. The investigation shows that eight telephone numbers and 10 mobile telephones were used to organize surveillance of Mr. Hariri and to carry out the assassination. The lines were put into circulation on 4 January 2005 in the northern part of Lebanon, between Terbol and Menyeh. The lines were used on individual days to observe Mr. Hariri's habits, mostly in the area of Beirut city.

122. On 14 February 2005, six of the telephones were used in the area stretching from Parliament Square to the St. George Hotel and the axes of Zqaq el Blat and Al Bachoura. The calls occurred at 1100 hours. They covered all routes linking the Parliament to Kuraytem Palace. The telephone located at the Parliament was used to make four calls to the other telephones at 1253 hours, the time when the Hariri motorcade left Nejmeh Square. The telephones have been inactive since the blast, at 1256 hours. The lines were used only to make calls to each other for the entire period from early January to 14 February 2005.

123. With all these circumstances in mind, including the previously described conversation of 26 August 2004, there is little probability that a third party would undertake surveillance and monitoring measures against Mr. Hariri for more than a month prior to the blast and maintain the resources, logistics and capacity needed to initiate, plan and commit a crime of this magnitude without the knowledge of the

competent Lebanese authorities. This includes the procurement, handling and maintenance of a large quantity of highly aggressive explosives, a stolen Mitsubishi Canter van, the recruitment of the related human resources and a base station for the necessary preparations.

Conclusion

124. **There is probable cause to believe that the decision to assassinate former Prime Minister Rafik Hariri could not have been taken without the approval of top-ranked Syrian security officials and could not have been further organized without the collusion of their counterparts in the Lebanese security services.**

Hariri telephone wiretapping

125. According to a witness, ISF personnel were ordered to keep Mr. Hariri under surveillance at the end of January and beginning of February 2005. No documentation on this topic has been found during the Commission's investigation.

126. Colonel Ghassan Tufayli was responsible in the Lebanese Military Intelligence Service for the technical department. It included the telecommunication including wiretapping service. The department tapped political, military and suspect people. His superior was the head of the Military Intelligence Service, General Raymond Azar. Colonel Tufayli received his orders from his superior in oral rather than written form. Several important people, such as former presidents, prime ministers and deputies, were permanently wiretapped. Although Mr. Hariri was no longer Prime Minister in early 2005, he was a very important political and economic figure in Lebanon and the Middle East. Therefore he was under permanent wiretapping. The technical department monitored and recorded conversations. Staff from the Lebanese Sûreté générale supported Tufayli's army unit. The protocols were forwarded on a daily basis to General Azar and to the head of the army, General Michel Suleyman. The head of the Lebanese Sûreté générale, Jamil Al-Sayyed, was also provided with the results. According to Colonel Tufayli's statement, General Azar sent the protocols to the Lebanese President and to General Ghazali, the head of the Syrian Military Intelligence Service in Lebanon.

127. Colonel Tufayli mentioned that the Republican Guard Brigade also had an internal wiretapping service.

Conclusion

128. **Through the constant wiretapping of Mr. Hariri's telephone lines, the Syrian and Lebanese security and intelligence services were kept informed of his movements and contacts.**

Roadworks

129. The Commission also investigated whether there was excavation work on the road in front of the St. George Hotel in the period before the assassination. There have been suggestions that unusual roadworks — including the installation of wires and open manholes — occurred in the road in front of the St. George Hotel shortly before the assassination, implying that individuals involved in the assassination may

possibly have had an opportunity to install a bomb or a remote bomb device underneath the road, thus causing the explosion.

130. Municipal records show that the last permits for work in the area near the crime scene granted prior to the blast were issued in January 2005. For example, from 3 to 8 January 2005, the Beirut water authorities were provided permits to dig for a water pipe and to excavate the main roads around the St. George Hotel. Ogero, the telecommunications company, was granted a permit to install a telecommunications cable between 13 and 20 January 2005. However, some witnesses have stated that there may in fact have been roadworks conducted in the area in front of St. George closer to the day of the explosion, including the night before. For example, a taxi driver reported that he had dropped two passengers at the Phoenicia Hotel on 12 February 2005 at approximately 0615 hours. As he turned left onto Minae Al-Hosn he realized that the street was closed just in front of the St. George Hotel facing the HSBC bank and that some roadworks were being carried out, including two open manholes in front of the St. George, and that workers and military personnel were present at the location. Another witness, a marina worker, noted that while the installation of the telephone wires had started at the marina, they were not in use as they had not been connected to an external wire and no cables were connected for televisions or computers. Another individual reported that on Sunday afternoon, the day before the assassination, as he and his wife approached the site of the explosion, they saw three people working in the middle of the street and lowering into a hole in the ground near the St. George Hotel what appeared to be a pallet and also observed two black cables about half an inch in diameter running from the hole to the St. George Hotel. By contrast, other witnesses were certain that there were no roadworks in the vicinity in the days prior to the explosion.

Conclusion

131. **The issue of whether there had been excavation in front of the St. George Hotel remains an open question that the Commission has not been able to resolve beyond certain witnesses' recollections, which have not been independently substantiated. Municipal records do appear to make clear, however, that excavation close to the time of the crime was not carried out pursuant to city permits.**

Execution of the bombing

132. A branch of the HSBC bank is located close to the scene of the explosion. The bank operated its own CCTV security system, which recorded the movements of the Hariri motorcade immediately prior to the explosion but did not record the scene of the blast itself. On close scrutiny, the recorded footage showed a white Mitsubishi Canter van entering the area of the explosion shortly before Mr. Hariri's convoy.

133. The recording clearly showed that this Mitsubishi Canter was moving approximately six times slower than all other vehicles traversing the same stretch of roadway. A time series analysis showed that for the approximately 50 metres of road covered by the camera, a normal car took three to four seconds to cover the distance, while a large truck took five to six seconds to travel the distance. The

Mitsubishi Canter took approximately 22 seconds to travel the distance and entered the area 1 minute and 49 seconds before the Hariri convoy.

134. Samples collected from the crime scene and further forensic examinations have succeeded in identifying the Mitsubishi Canter van. Through a part of the engine block, found and collected at the crime scene, it has been concluded that the engine comes from a Mitsubishi vehicle stolen on 12 October 2004 in Sagamihara City, Japan.

135. The Commission has interviewed all the survivors who were involved in the Hariri motorcade, eyewitnesses on the spot and in adjacent areas as well as shop owners, employees, vendors, residents, etc. in the neighbourhood of the crime scene.

136. None of the people interviewed made any unusual observations on 14 February 2005, at Minae Al-Hosn Street or in adjacent areas of activity different from the normal situation at these locations.

137. One of the main issues for the Commission was to determine how it was known that Mr. Hariri would take the maritime route on his way back to the Kuraytem Palace from the meeting at Parliament.

138. It was common knowledge that Mr. Hariri would attend the pre-election meeting at Parliament that particular morning. It was also known that he would return to the Kuraytem Palace after the meeting, since he had invited more than 20 people for lunch at the Palace.

139. From the Nejmeh Square back to Kuraytem there were three options of routes. The decision to take the maritime road was made just before departure by a senior staff member in Mr. Hariri's private security detail and communicated to the lead car, but it was already envisaged in the morning that if the motorcade was able to return to the Palace before 1400 hours they would have chosen the maritime road. If not, another road would have been taken. The motorcade left the Nejmeh Square area and drove along Ahdab Street and Foch Street. At the junction of Foch Street and Seaport Street the convoy was delayed for several minutes due to some traffic hindrance. At the above-mentioned junction the convoy turned left and took the maritime road towards Ain Mreisa and the St. George Hotel.

140. The motorcade was composed of six cars. The first car, a Toyota Land Cruiser, was manned by four officers from the Internal Security Forces; the second was a Mercedes 500 S manned by three persons from Mr. Hariri's private security team; the third car was an armoured Mercedes driven by Mr. Hariri with Mr. Fleyhan as a passenger; the fourth and the fifth cars were Mercedes 500 S, each manned by three security officers from Mr. Hariri's private security team and positioned in the convoy on the flanks of the third car; the last car in the convoy was a Chevrolet, fully equipped as an ambulance and manned by three Hariri staff members, two of whom were paramedics. The second, fourth and fifth cars were equipped with jamming devices, which were switched on and functional.

141. When the motorcade passed the St. George Hotel at Minae Al-Hosn Street, at 1256 hours, a huge explosion occurred, which resulted in the death of Mr. Hariri and 21 others. In addition, more than 220 persons were injured and the damage to surrounding buildings and vehicles was severe. Mr. Hariri was taken to American

University Hospital, where his body was identified and the cause of death was concluded to be immediate brain injury resulting in cardiac arrest.

142. An Opel which followed the motorcade from Nejmeh Square to the junction of Foch Street and Seaport Street has not been identified. It should be noted that because the motorcade was delayed at a T-junction, for a short while it went against the traffic on a one-way street from Nejmeh Square to Foch Street, followed by the Opel. The Commission has not succeeded in elucidating the reason for the delay of the motorcade at the T-junction.

143. The FitzGerald report (S/2005/203) concluded that Mr. Hariri during the three months prior to the blast had taken the maritime road on six different occasions, but it should be kept in mind that, during the same period of time, he appeared in public in the Beirut area fewer than 10 times.

144. The Commission has not found any indication that there were leaks from or accomplices within Mr. Hariri's close staff members. However, the Commission determined that Mr. Hariri had been under surveillance at least one month prior to the blast by people planning the crime (see the section entitled "Hariri telephone wiretapping" above).

145. The weaknesses in the initial measures taken by the Lebanese authorities and the tampering with evidence during the first crime scene examination have worked against identifying the type of explosives used in the blast. The first samples of residues collected were tested in an "itemizer", which only gives an indication of the explosives. In this case it indicated TNT, but no forensic laboratory examinations of the samples were undertaken. This fact has hampered the investigation, since it has been impossible to track down the origin of the explosives, which subsequently could lead to the perpetrators.

146. In addition, no other CCTV security systems were seized in the area except those from the HSBC bank. This negligence could have led to the loss of important evidence.

Conclusion

147. **It would not have been difficult for individuals outside of Hariri's "inner circle" to predict the route that his convoy would follow on 14 February 2005. The Mitsubishi Canter van shown on the HSBC bank CCTV security system was the carrier of the explosives. The negligence of the Lebanese authorities to undertake proper investigative measures and a full-scale professional crime scene examination immediately after the blast has made it difficult to resolve key questions regarding the execution of the bombing, such as the type of explosive used, or may have resulted in the potential loss of important evidence, such as useful CCTV videos.**

Use of prepaid telephone cards

148. Investigations by both ISF and Military Intelligence Service have led to six prepaid calling cards, which telephone records demonstrate were instrumental in the planning of the assassination. Beginning at approximately 1100 hours on 14 February 2005, cell site records show that cellular telephones utilizing these six calling cards were located in the area stretching from the Nejmeh Square to the

St. George Hotel, within a radius of a few blocks, and made numerous calls to each other and only to each other. The phones were situated so that they covered every route linking the Parliament to Kuraytem Palace: that is, cell site records demonstrate that these telephones were placed to cover any route that Hariri would have taken that day. One of the cellphones located near the Parliament made four calls to the other telephone lines at 1253 hours — the time that Mr. Hariri's convoy left Nejmeh Square. The calls — and all usage on the cards — terminated at 1253 hours on 14 February, a few minutes before the blast. The lines have all been inactive since.

149. Further investigation has revealed that these six lines — along with two others — were put into circulation on 4 January 2005, after calling number 1456 activated them. They were all activated at the same location in northern Lebanon between Terbol and Menyeh. Since they were first purchased in early January 2005 until the time of the explosion, the lines only had calls to each other. In that time period, until the assassination, there appears to be a correlation between their location and Mr. Hariri's movements, suggesting that they might have been used to follow his movements in that time period.

150. The Commission, in conjunction with the Lebanese authorities, continued the investigation of the origin of these telephone lines. The six prepaid cards originated, along with four others, from the Powergroup Company, Beirut, a store owned by a reportedly active member of Al-Ahbash with close ties to Sheikh Ahmad Abdel-Al. According to company records, the lines were delivered to the store's Tripoli branch. One of the employees of that Tripoli store reported that on 30 December 2004, he had received a telephone call from Raed Fakhreddin, the owner of another cellphone shop in Tripoli and the nephew of Tarek Ismat Fakhreddin, a prominent businessman and consultant to former Lebanese Prime Minister Omar Karame. Raed Fakhreddin reportedly urgently wanted to buy 10 prepaid cards; the Tripoli store employee noted that the enquiry itself was unusual, as Mr. Fakhreddin did not customarily buy lines from the Tripoli store nor typically have commercial dealings with the Tripoli store other than mobile handset purchases. However, the 10 calling cards bearing these particular lines were located, and Raed Fakhreddin sent a messenger to pick up the cards from the Tripoli store. That messenger reported to the Commission that he had paid $700 in cash at the Tripoli store to purchase the 10 lines and deliver them to Mr. Fakhreddin. The forms legally required for purchasing cellular lines had not been filled out that day, however, but rather over two weeks after the lines had been sold, on 12 January. The supporting identification required for the purchase, which was provided by Raed Fakhreddin, proved to be false. On 14 September 2005, ISF arrested Mr. Fakhreddin, along with others involved in the transfer and sale of the calling cards. Mr. Fakhreddin was subsequently interviewed as a suspect by the Commission. In that interview, while he admitted that he had purchased the lines, he denied any knowledge of the use of six of the lines in connection with the Hariri assassination.

151. Of the 10 mobile phones used in connection with these 10 cellular telephone cards, 5 have been traced to a store in Tripoli.

Conclusion

152. **The investigation of the prepaid telephone cards is one of the most important leads in this investigation in terms of who was actually on the ground**

executing the assassination. This is a line of investigation that needs to be pursued thoroughly.

Jamming devices

153. Hariri's convoy included three vehicles equipped with jamming devices, designed to disturb the signals of remote-controlled IEDs.

154. Although the Commission received information from one source that a trusted associate of Mr. Hariri's had tampered with the jamming devices prior to the blast, the Commission has not been able to corroborate this information. Indeed, all available evidence indicates that the jamming devices were operational and in proper working condition at the time of the assassination. Those responsible for managing the jamming devices reported that they had conducted a detailed check of the jammers every three months, an operation performed for the last time in early January 2005, when no problems were observed. In addition, the jamming system was checked by a member of Mr. Hariri's security detail two days before the explosion and was deemed to be in good working condition. Of the three jamming devices, one was completely destroyed by the blast, another was burned but was retrieved and is being kept as evidence and a third was still operational and, upon testing, was found to be working properly. Moreover, the report of the Dutch forensic explosives experts about the two devices that survived as evidence further concluded that the intact jammer had essentially been operational. Finally, the telecommunication firms MTC Touch and Alfa reported that their networks had been disrupted on 14 February from about 1200 to 1300 hours between Place de l'Etoile and the St. George Hotel. The Commission's investigators conducted a reconstruction on 19 August 2005 in cooperation with MTC and Alfa, by taking three vehicles similar to those in Mr. Hariri's convoy equipped with similar jamming devices along the same route that the convoy took from Place de l'Etoile to the St. George Hotel. This reconstruction produced relatively similar results regarding the temporary disruption of telecommunications as occurred on 14 February, even accounting for other factors that could have affected telecommunications in the area. Thus, it can be assumed that at least one of the three jamming devices was operational and functional at the time of the explosion.

155. Even though at least one jamming device was operational, the investigation has revealed that there are ways to overcome, avoid or evade jamming devices. Different possibilities include a suicide bomber, a wireless explosion using frequencies different from those of the jamming devices or using the frequencies of the jamming devices, a wireless explosion using the jamming devices themselves, a wireless explosion using a satellite phone from Thuraya, the only telephone company working on Lebanese territory with satellite links, a wired explosion using a TNT cable or a wired explosion using another kind of installed cable such as a telephone line as a connecting wire. Although it appears to the Commission based on its investigation to date, specifically the results of the Dutch forensic examination of the crime scene, that it is possible that a suicide bomber caused this explosion, these other possibilities warrant further investigation, both as to whether they were feasible standing alone or in conjunction with a suicide bomber.

Conclusion

156. **It appears that the jamming devices in Hariri's convoy were operational and functional on 14 February at the time of the blast. Further investigation may provide information about how the IED was activated.**

Interference with telecommunications in downtown Beirut

157. The Commission received information that there was interference on 14 February 2005 from 0900 until 1400 hours of the telecommunications antenna covering the area of Riad Solh, which includes the crime scene area. The matter was investigated with the Ministry of Telecommunications. This information was confirmed through information provided by the telecommunications provider MTC Touch. Consequently, the mobile phone callers in the crime scene area could not use this specific antenna and were diverted to other antennas. No evidence has been found to date which would clearly point to internal manipulation at MTC Touch, although such internal manipulation cannot yet be completely discounted. It remains equally possible that an outside individual, criminal organization, company or authority would also have been able to generate such interference, for example with a mobile appliance. Moreover, a direct connection between this interference and the assassination cannot be excluded.

Conclusion

158. **It appears that there was interference with a telecommunications antenna in the crime scene area during the time of the crime. This is a line of inquiry that should be thoroughly pursued.**

Crime scene

159. Until the establishment of the Commission, the Lebanese authorities had not carried out a thorough crime scene examination. Since this constitutes the basis of any criminal investigation, the Commission deemed it necessary to seek the assistance of United Nations Member States to second experts in order to determine primarily whether the explosion took place above ground or underground.

German forensic team

160. On 6 July 2005, the German forensic team, comprising four forensic experts, submitted its report to the Commission. Excerpts of the most important paragraphs conclude:

> The Swiss expert team's findings and conclusions can be fully supported. Due to the distribution of the so far located parts of a Mitsubishi Canter lorry, it can be assumed that that vehicle played a significant part in the course of action and was possibly used as carrier of the bomb.
>
> After the assessment of all facts and estimations an above-ground explosion is the most feasible possibility. If we assume such an explosion, the amount of explosive must have been around 1,000 kg. Highly aggressive explosive was used. The result of an A-sample from the crater wall shows that TNT was used. But this result is not one that has been achieved in the presence

of an expert from the United Nations Fact-finding Mission to Lebanon and thus must be regarded as preliminary and not finally confirmed result. During our work at the location of the incident we could not detect any hints with regard to the kind of trigger that has been used.

Dutch forensic team

161. During the period from 12 August to 25 September 2005, a Dutch forensic team conducted an examination of the primary crime scene and peripheral areas of interest. The team was composed of seven experts specializing in post-blast investigations. The objective for the forensic investigation of the explosion site was to find physical evidence to reconstruct the IED which caused the explosion. To examine a crime scene nearly half a year after the incident occurred is not a common practice. Moreover, it was known that the crime scene had been disturbed on several occasions. This seriously diminishes the strength of conclusions that can be drawn from the location where the exhibits were found. It can never be excluded that the materials at the crime scene were manipulated by someone or intentionally put there. Nevertheless, it was felt to be useful to carry out a full crime scene search, mainly because it was likely that certain areas of the crime scene had not been contaminated, such as the upper floors of the Byblos and St. George Hotel. The crime scene area was cordoned off on 15 February 2005, according to ISF, and was guarded 24 hours a day from that date on.

162. The Dutch forensic team was assisted by many people in carrying out the crime scene investigation, e.g., forensic police officers from ISF, a team of British divers, a French expert on explosives, a forensic scientist from Northern Ireland, a German electrical engineer specialized in jamming devices, a team of Japanese crime scene investigators, a German car expert, a Dutch car expert and a number of Lebanese specialists.

163. A coherent and comprehensive report on the findings and results from the crime scene investigation has been submitted to the Commission. The report comprised 87 pages and contained four main conclusions:

(a) *Detonation of high explosives*. The damage inflicted on the buildings, vehicles, surrounding lamp posts and other objects in the vicinity of the explosion site demonstrates that a large amount of high explosives was activated and detonated to the left side in front of the main entrance of the St. George Hotel on Minae Al-Hosn Street. This detonation set fire to many vehicles within a distance of 20 to 30 metres of the explosion centre. From the damage pattern it is clear that it was one explosion of a charge of high explosives.

(b) *Mitsubishi Canter vehicle*. Regarding the physical evidence recovered, the human remains identified by the Lebanese forensic specialist, the HSBC security video and the damage on the vehicles parked on the road, the most likely scenario is that a Mitsubishi Canter van containing the IED was activated when the Hariri convoy of six vehicles drove by. The engine number of this Mitsubishi Canter van was found among the debris on the crime scene. This engine number has led to the vehicle registration number and the production date.

No remains of the constituents of the IED have been found among the debris, apart from the vehicle parts of the Mitsubishi Canter in which the IED was placed. Because of the size of the explosion and the exploded charge, this is not unexpected.

A few damaged parts of circuit board have been recovered which may be related to the activation mechanism. However, these circuit boards should first be examined by electronics experts, who might give an indication of the application of these boards.

(c) *Location of convoy vehicles and bomb vehicle*. When the explosive was activated, the Mitsubishi Canter was parked almost in line with the other parked vehicles along the pavement in front of the St. George Hotel with the front of the vehicle facing west. It was not parked fully in line judging from how the force of the explosion acted on the red Ford vehicle, which was most likely parked directly in front of the Mitsubishi. The red Ford was most severely damaged from the left rear side, which means that the Mitsubishi could not have been parked fully in line with the red Ford vehicle.

Among the six convoy vehicles, the black Mercedes numbered 404 was closest to the explosion centre when the IED was detonated. The direction of the explosive force on this vehicle was from the right side, meaning it was most likely located alongside the Mitsubishi. From the damage patterns it can be stated that vehicles 401, 402 and 403, the latter with Messrs. Hariri and Fleyhan as occupants, had just passed the Mitsubishi when the explosion occurred. Vehicles 405 and 406 were damaged most severely at the right front side, meaning that those vehicles had not yet driven by the Mitsubishi at the moment of the detonation.

(d) *Activation mechanism of the IED*. Regarding the physical evidence presented in this report and the fact that only a small amount of human remains of an unidentified person have been found and no large body parts, such as legs, feet or lower arms, the most likely scenario for the activation of the IED is a suicide bomber. Another only slightly less likely possibility is that of a remote-controlled device. However, no residues of such a device have been recovered from the crime scene.

British forensic team

164. On 5 September 2005, the British forensic team submitted its report to the Commission. The British team was composed of seven experts. The objective of the team was to conduct an underwater search of the sea floor and the marina adjacent to the scene of the blast. While performing its duties, the British team was assisted by Lebanese divers from the Civil Defence Fire and Rescue Team. Forty items were collected and seized during the underwater search, of which the vast majority were vehicle parts.

Japanese forensic team

165. On 27 September 2005, the Japanese team submitted its report to the Commission. The team comprised three forensic experts accompanied by an interpreter. The objective of the team was to identify the Mitsubishi Canter van.

166. The Japanese experts examined all the evidence recovered from the crime scene and sorted out 69 pieces as suspected Mitsubishi Canter parts. Of the 69 pieces, 44 items were identified as Canter parts by the Mitsubishi Fuso Corporation in Japan.

167. The Mitsubishi Canter van was finally identified. The vehicle had been stolen in Sagamihara City, Japan, on 12 October 2004.

Northern Irish and French experts on improvised explosive devices

168. The experts were in agreement with the comments and conclusions in the Dutch forensic team's report.

Conclusion

169. **The explosion that killed Mr. Hariri and 22 others took place above ground. For this purpose, an amount of no less than 1,000 kilograms of military explosives was used.**

After the crime: analysis and evaluation

170. The Commission has undertaken extensive measures to map Mr. Hariri and his whereabouts and doings prior to the blast as well as other occurrences in order to find the motive and the reasons behind the crime.

171. Interviews have been conducted with his relatives, staff members, friends, associates and colleagues. None of these efforts have led anywhere other than to the prelude of Mr. Hariri stepping down from the post of Prime Minister.

172. This information has reinforced a picture of a tense relationship between Mr. Hariri on the one hand and President Lahoud and the Syrian authorities on the other. Evidence is also adduced from the phone conversation between General Ghazali and a senior Lebanese official on 19 July 2004; the conversation between President Al-Assad and Mr. Hariri on 26 August 2004; in the Syrian Arab Republic, the approach to Mr. Hariri by Yehya Al-Arab, Wissam El-Hassan and Salim Diab in October-November 2004 to increase the security around him due to the political tension and Mr. Hariri's response that "they don't dare to touch me"; the meeting between General Ghazali and Yehya Al-Arab on 13 February 2005; and the Lebanese authorities' response to the distribution of olive oil during February 2005.

173. All the key players among the competent Lebanese authorities have been interviewed as well as their experts involved in the initial measures of the investigation. The early investigation showed a pattern that no one claimed they had the slightest clue that something was going on around Mr. Hariri that could threaten his life. The efforts undertaken by the Commission during a limited period of time have come to a diametrically opposite conclusion. There were a number of warning signs regarding Mr. Hariri's security in his immediate surroundings in the aftermath of the occurrences during the second half of 2004, in particular in the context of previous Lebanese experiences of assaults targeting individuals through bombings.

174. On 30 August 2005, the Lebanese authorities arrested and detained four high-level officials of the Lebanese security and intelligence apparatus, pursuant to arrest warrants issued by the Lebanese Prosecutor General based on recommendations from the Commission that there was probable cause to arrest and detain them for conspiracy to commit murder in connection with the assassination of Rafik Hariri. The individuals arrested were General Jamil Al-Sayyed, former director-general of the Sûreté générale; General Ali Al-Hajj, former head of ISF; General Raymond Azar, former head of military intelligence; and General Mustapha Hamdan, Commander of the Republican Guard Brigade.

175. The four have been interviewed by the Commission in the presence of counsel. They each continue to deny any involvement in the planning or execution of the assassination of Hariri, any awareness of such a conspiracy beforehand or undertaking or ordering any actions designed to obstruct the investigation afterward.

176. As in any investigation, the points of departure for the Commission have been the victim of the crime, the crime scene and witnesses. In addition, the Commission has focused on the five sub-investigations described below.

1. Ahmad Abu Adass

177. The Commission's investigation into the Abu Adass lead focused on seeking to determine Mr. Abu Adass's whereabouts and evaluating the likelihood that Mr. Abu Adass was actually the suicide bomber he was purported to be.

178. The Commission was unable to interview Mr. Abu Adass's father, who had been interviewed by the Lebanese authorities on 14 February 2005, because he died on 7 March shortly after being called to appear before the investigative judge.

179. Mr. Abu Adass's mother, Nehad Moussa, was interviewed by the Commission on 7 July 2005 and had previously been interviewed at least four times by Lebanese authorities, the first time on 14 February 2005. She and Mr. Abu Adass's father, Tayssir, had been illegally detained for approximately 10 days. She stated that she had told the Lebanese authorities the following: Mr. Abu Adass had disappeared on 16 January 2005 and had not been heard from since. According to her, in early January 2005, Mr. Abu Adass explained to her that he had met an individual whom she knew only as "Mohammed" who wanted to convert to Islam from Christianity and that Mr. Abu Adass was helping him. Mr. Abu Adass reported that Mohammed appeared to be wealthy and he would occasionally disappear for a period of a week or so. After one such disappearance, on the evening of Saturday, 15 January 2005, Mohammed called their home. Mohammed told Mr. Abu Adass that he would come to pick him up the next morning to show him a surprise. Mr. Abu Adass left with Mohammed that Sunday, 16 January 2005, promising his mother he would be out for only a few hours, since she had requested that he stay to help her clean a large carpet. Mr. Abu Adass never returned. On Monday morning, Mr. Abu Adass's mother received a call from an individual who told her not to worry about Ahmed as he was in Tripoli where their car had broken down and they were just waiting to have it fixed. Ms. Moussa understood that this was the same individual called Mohammed whom she had spoken to on the telephone two days earlier. She asked to speak to her son, but was told that her son was waiting at a house without a phone and the caller was in the car shop. The caller told Ms. Moussa that her son would be back in time to help clean the carpet. At approximately 9 p.m. that same day, she received another call from the individual called Mohammed who said they had not had an accident and had not broken down. The caller went on to say that Mr. Abu Adass wanted to go to Iraq and would not be coming back. When Ms. Moussa expressed surprise and stated that Mr. Abu Adass had never mentioned any such interest before, the caller said he would try to get her Mr. Abu Adass's phone number so she could try to change his mind. The caller hung up and never called back. The family filed an official missing person's report with ISF on 19 January 2005.

180. In a follow-up interview with the Commission, Ms. Moussa added that Mr. Abu Adass's best friend was a man by the name of Ziad Ramadan whom he had

met as a colleague at a computer company approximately two years earlier. The last contact she had with Mr. Ramadan was when he called her several days after her son disappeared to ask if she had any news from her son. In her interviews with the Lebanese authorities, Ms. Moussa stated that she had confirmed that her son did not have a driver's licence and that there was no Internet connection in their house.

181. The Commission was unable to locate Ziad Ramadan for an interview. After being interviewed by the Lebanese authorities on 14 February 2005, it appears that Mr. Ramadan returned to the Syrian Arab Republic with his family. In his interview with the Lebanese authorities, Mr. Ramadan stated that he had known Mr. Abu Adass for approximately two years, as they had worked together in the same company for two months. Mr. Ramadan saw Mr. Abu Adass last the Thursday or Friday preceding his disappearance, when Mr. Abu Adass discussed his new employment decorating book covers.

182. One individual whom neither the Commission nor the Lebanese authorities was able to interview so far was Khaled Midhat Taha, another religious associate of Mr. Abu Adass, who is of significant interest based on the travel records available for him and some unusual coincidences. Mr. Taha met Mr. Abu Adass when they were students at the Arab University where they used to meet in the University's mosque. According to travel records, Mr. Taha departed from Beirut International Airport for the United Arab Emirates on 21 July 2003 and returned to Beirut on 17 October 2003. The next record for him is an entry into Lebanon coming from the Syrian Arab Republic by land on 15 January 2005, the day before Mr. Abu Adass's disappearance. The next day, Mr. Taha left Lebanon by land towards the Syrian Arab Republic. The records do not show a departure from Lebanon prior to 15 January 2005, which indicates that he entered the Syrian Arab Republic prior to that date illegally. Further investigation revealed that three of Mr. Taha's e-mail addresses went through Damascus and the fourth went through Lebanon itself while purporting to be in Turkey. Moreover, the date of his final departure for the Syrian Arab Republic from Lebanon — 16 January 2005 — is the same as the date of Mr. Abu Adass's disappearance, suggesting a possible link between Mr. Taha's trip to Lebanon and Mr. Abu Adass's disappearance. Moreover, as the Lebanese authorities noted in their report, he was never arrested for his apparently illegal entry into the Syrian Arab Republic prior to 15 January 2005, even upon his return to the country on 16 January, an uncommon occurrence, suggesting that his departure and entry the following day had been facilitated by someone. The Syrian authorities have recently been approached by the Commission to provide it with detailed information on Khaled Taha, especially his travel records into and out of the Syrian Arab Republic.

183. As noted above, in the course of the investigation, the Lebanese interviewees included Mr. Abu Adass's friends and associates, former neighbours, acquaintances from the mosque, colleagues from former jobs and classmates. A number of these individuals were re-interviewed by the Commission. None had ever heard of Al-Nasra wal Jihad, the group that Mr. Abu Adass was purportedly a member of according to the suicide bomb video message. Many of them reported similar stories of being taken by ISF, handcuffed, blindfolded, stripped and detained for a period of time while being questioned about Mr. Abu Adass and his affiliations with Islamic groups; most reported that they shared with their interrogators their view that Mr. Abu Adass was a loner and introvert who did not have the intelligence to be capable of committing such a crime.

184. In response to a request through the Lebanese authorities, the Syrian Government informed the Commission that their computer files showed no indications that Mr. Abu Adass had either entered or left the Syrian Arab Republic. Iraqi authorities informed the Lebanese authorities through the Iraqi embassy in Beirut that Mr. Abu Adass had not obtained a visa for Iraq.

185. The Commission also submitted a request for details of any organization within Lebanon that may have had Mr. Abu Adass under observation between September 2004 and January 2005. The files obtained in response to this request confirmed that no department within Lebanon had had Mr. Abu Adass under any observation during the relevant time period.

186. A number of sources, confidential and otherwise, provided information to the Commission on the role and whereabouts of Mr. Abu Adass. Although the information provided has not been independently verified, significantly, none of this source information supported the theory that he was a lone suicide bomber acting for an Islamic fundamentalist group. Indeed, all of the source information pointed to the likelihood of Mr. Abu Adass being used by the Syrian and Lebanese authorities as a scapegoat for the crime, rather than being the instigator of crime himself. For example, one witness claimed to have seen Mr. Abu Adass in the hallway outside of General Ghazali's office in December 2004 in Anjar. Another witness claimed that Mr. Abu Adass was currently being held in prison in the Syrian Arab Republic and would be killed once the investigation was over. According to him, Mr. Abu Adass had no role in the assassination except as a decoy, and the videotape was recorded at gunpoint approximately 45 days before the assassination. He later stated that General Assef Shawkat had forced Mr. Abu Adass to record the tape in Damascus approximately 15 days before the assassination. He also stated that the tape had been given to Al-Jazeera by a woman with the nickname "Um Alaa". Another witness stated that the day after the assassination Faysal Al-Rasheed had insisted that the case had been solved and that the perpetrator was Mr. Abu Adass, as a suicide bomber and that Mr. Abu Adass's body was still at the crime scene. Zuhir Saddik stated that in early February 2005, he had seen Mr. Abu Adass at the Zabadane training camp in the Syrian Arab Republic, and that his information was that Mr. Abu Adass had initially planned to commit the assassination but had changed his mind at the last minute. He said that Mr. Abu Adass had subsequently been killed by the Syrians, and his body had been placed in the vehicle containing the bomb and thus had been destroyed at the crime scene.

187. To date, no DNA evidence has been found on the crime scene that can be linked to Mr. Abu Adass.

188. Despite months of investigation by both the Commission and the Lebanese authorities, Mr. Abu Adass remains a mysterious figure. A few significant points can still be made, however, in connection with the Abu Adass investigation.

189. Other than the videotape itself, which definitely was of Mr. Abu Adass, there is little else supporting the idea that he perpetrated this assassination through a suicide bomb. There is no evidence, other than the claim on the video itself, of the existence of a group called the Nasra and Jihad Group of Greater Syria. There is no information about such a group in any open sources prior to 14 February 2005, for example, and neither the Lebanese authorities nor Mr. Abu Adass's friends and acquaintances appear to have even heard of the group prior to the day of the assassination. Nor have any of Lebanon's neighbouring countries' security

authorities, which have been asked by the Commission to provide information on the assassination, have any knowledge of this group. Moreover, Mr. Abu Adass's disappearance on 16 January 2005 has not been explained in a manner that is consistent with the notion that he would be a suicide bomber a month later. Notably, none of the individuals who knew him well considered it likely that he could commit such a crime, in the light of his nature and intelligence. Finally, although there is always the possibility that no trace of DNA of a suicide bomber conducting a massive blast would be found, it is noted that there is no evidence of Mr. Abu Adass's DNA at the crime scene or indeed any other evidence, such as witnesses, that he was present at the crime scene at the time of the crime.

190. However, one aspect of the investigation to date is clear: much of the information surrounding Mr. Abu Adass and his disappearance points to the Syrian Arab Republic. Khaled Taha's peculiar travel records, indicating an entry into Lebanon from the Syrian Arab Republic the day before Mr. Abu Adass's disappearance, as well as the attempt to obscure his presence in the Syrian Arab Republic by seeking to show that his e-mails came from Turkey when they in fact came from the Syrian Arab Republic, are indicative of the type of evidence pointing to Syrian involvement in Mr. Abu Adass's fate which cannot be discounted as mere coincidence. Moreover, the vague information available about "Mohammed" indicates that he was likely Syrian, and the sudden return to the Syrian Arab Republic of Mr. Abu Adass's Syrian best friend, Ziad Ramadan, shortly after having been interviewed by the Lebanese authorities, all suggest Syrian connections to Mr. Abu Adass's disappearance. Finally, much of the source information relevant to Mr. Abu Adass's fate points to the Syrian Arab Republic and Syrian officials, as well as certain Lebanese officials. While it is true that little of this source information has been independently corroborated, it is significant that no information points to any other entity as being involved in his disappearance or that he was a suicide bomber. Although this is not definitive, these repeated connections to the Syrian Arab Republic bear further investigation.

Conclusion

191. **There is no evidence that Mr. Abu Adass belonged to the group called Al-Nasra wal Jihad fee Bilad Al-Sham, as claimed in the Al-Jazeera videotape, nor even that such a group has ever existed or does exist now. There are no indications (other than the videotape) that he drove a truck containing the bomb that killed Mr. Hariri. The evidence does show that it is likely that Mr. Abu Adass left his home on 16 January 2005 and was taken, voluntarily or not, to the Syrian Arab Republic, where he has since disappeared.**

2. Telephone analysis

192. One of the most important aspects of this investigation has been the analysis of telephones. Specialized software was used to analyse and investigate numerous telephone calls by those figures identified as the most important to the investigation, permitting the Commission to achieve an optimal result with a limited staff and a short time frame. The assistance of the Lebanese telephone companies and authorities was essential to making the analysis effective. For example, the Lebanese telecommunications companies MTC Touch and Alfa responded quickly to requests for cellphone subscriber information and toll records. Similar information on landlines was provided to the Commission through the Ministry of

Telecommunications. This prompt assistance was invaluable, as it permitted investigators to quickly analyse specific telephone calls of subscribers and to establish patterns of communication between particular groups of subscribers. In total, the Commission requested information on approximately 2,235 subscribers and obtained telephone connection data for approximately 70,195 telephone calls. The telephone analysis, which has already been critical in establishing leads and determining connections between the key figures, will continue to be a central aspect of this investigation as it evolves.

193. According to Ghassan Ben Jeddou, the director of Al-Jazeera, Al-Jazeera received four calls on the afternoon of 14 February prior to airing the Abu Adass videotape. The records revealed only three calls to Al-Jazeera that afternoon, however, at 1411, 1527 and 1704 hours.

194. It has not been possible to identify the time or origin of the reported fourth call to Al-Jazeera.

195. Leila Bassam of Reuters reported that it had received one telephone call on 14 February regarding Mr. Abu Adass's claim of responsibility for the bombing, which records show occurred at 1411 hours.

196. Telephone records reveal that the same prepaid card was used to contact Al-Jazeera and Reuters for all of the above telephone calls. It was purchased in Beirut, Najaar, on 10 February 2005. The calls to Al-Jazeera and Reuters were made from four different telephone booths, all located in Beirut and one of which is near the ESCWA Centre downtown, approximately two kilometres from the crime scene. This prepaid card was used only to dial Al-Jazeera and Reuters and there is no record that it was used to make any other telephone call.

197. The videotape of Mr. Abu Adass confessing to the crime was placed in a tree in front of the ESCWA building in downtown Beirut. The Commission obtained and viewed the CCTV tapes from ESCWA for 14 February 2005 in order to seek to identify any individuals or vehicles that could have been connected to the drop-off of that videotape and the subsequent calls to Al-Jazeera. After viewing the images, however, it was determined that it was not possible to clearly identify any vehicles or individuals approaching the tree in front of ESCWA from the video. Commission investigators also interviewed security guards from Protectron Security, which is responsible for providing security for the parking lots situated next to the ESCWA and Al-Jazeera buildings in downtown Beirut. However, none of the security guards interviewed on duty that day witnessed any unusual activity related to placing an item in the tree in front of ESCWA.

Conclusion

198. **It has not yet been possible to identify the individual or individuals responsible for telephoning Al-Jazeera and Reuters on 14 February or the individual or individuals responsible for the videotape of Mr. Abu Adass.**

3. Use of prepaid telephone cards

199. Investigative Judge Elias Eid obtained records for and reviewed all of the phone calls on 14 February 2005 to Al-Jazeera. Judge Eid noted one mobile phone call to Al-Jazeera as particularly significant: one made to Al-Jazeera on a prepaid card at 2207 hours on 14 February. This same prepaid card received a telephone call

one minute after the blast, at 1257 hours, from a telephone booth located in Tripoli near a building housing the Syrian intelligence services. On 30 January a call was made to the landline at the home of Mr. Abu Adass from that same Tripoli phone booth.

200. The Commission obtained and reviewed the call records for prepaid card number 03925152 based on this information from Judge Eid. The Commission's investigation has revealed so far that while there is no identified subscriber, the card bears significant connections. On 8 February 2005, for example, that prepaid card had a contact with a mobile telephone number belonging to Tarek Ismat Fakhreddin. Mr. Fakhreddin, a prominent businessman, is a close associate of then-Prime Minister Omar Karame. Tarek Fakhreddin also made calls hours after the blast to General Hamdan, General Azar, General Al-Hajj and the Syrian intelligence officer Jamea Jamea. In addition, he had telephone contact with his nephew, Raed Fakhreddin, at 1337 hours on 14 February. Raed Fakhreddin is heavily suspected to have bought the prepaid cards which were used to organize the assassination. The prepaid card also had contacts with another telephone number which was in contact with Raed Fakhreddin's mobile phone in December 2004, and January, February and March 2005.

201. This prepaid card has also been connected to a number of prominent Lebanese and Syrian officials. For example, the card was in contact with three different numbers which in turn were in contact with Mustapha Hamdan's mobile phone in January, March, and July 2005. Two days before the explosion, on 12 February 2005, this prepaid card was also in contact with a mobile phone number belonging to ex-Minister Abel Rahim Yussef Murad. Mr. Murad's mobile phone in turn called Ali Al-Hajj after the blast. The mobile phones of Mr. Murad and Tarek Ismat Fakhreddin were in contact with each other on 17 January, one day after Ahmad Abu Adass's disappearance. This prepaid card also had contacts with a telephone number which in turn was in regular contact with the mobile phone number belonging to the politician Nasser Kandil, and the card had contacts with two mobile phone numbers in February and March 2005 which in turn were in contact on 14 and 17 February 2005 with the mobile phone number used by Syrian intelligence officer Jamea Jamea.

202. The prepaid card had contacts with a telephone number on 5 January 2005 which was in contact on 26 January with the telephone number of Younis Abdel-Al, of Al-Ahbash, the brother of the above-mentioned Ahmed Abdel-Al. The prepaid card was also in contact with a different telephone number on 5 January which was in contact twice on 10 January with a telephone number belonging to Walid Abdel-Al, a brother of Younis and Ahmed Abdel-Al and a member of Mustapha Hamdan's Republican Guard Brigade.

Conclusion

203. **The identification of the user or users of this prepaid card on 14 February 2005 is significant and is a priority for this investigation.**

4. Australian investigation

204. In an interview with the Commission, Adnan Addoum, Minister of Justice at the time of the bombing, stated that it was his belief that the Commission's investigators should pursue this investigation and question the six Australian

suspects as to their purpose of travelling. He also indicated his belief that in light of the fact that the vehicle allegedly used in the bombing was a right-hand-drive vehicle (as used in Australia), further suspicion should be cast on those six suspects. He added that it was his belief that "due to media and religious pressures, the investigation judge did not give this matter enough importance".

205. The investigators thoroughly reviewed the results of the Lebanese and Australian investigation into these six suspects and, as set out below, have concluded that there is no basis for believing that they had any involvement in the assassination of Mr. Hariri. In pursuing this review, Commission investigators also were aware that there were six SIM cards used in connection with the assassination and that usage on the SIM cards had terminated at the time of the explosion. Noting that there were six suspicious Australians and six suspicious SIM cards, an unusual coincidence, the Commission believed that a review of the Australian and Lebanese investigations into this area would be prudent.

206. Having closely examined the file, the Commission can highlight the following points:

- The Lebanese authorities reported and requested assistance from Interpol to locate and interview the suspects identified in accordance with established protocol.
- The protocol followed by Interpol was correct.
- The Australian authorities were contacted via Interpol to follow up on this matter.
- The Australian authorities carried out a thorough investigation into the matter and presented a report on their findings to the Lebanese authorities.
- The Lebanese authorities properly suspended this present line of inquiry based on the report presented by the Australian authorities.

Conclusion

207. **Based on the above, the investigation carried out by the Australian authorities and the findings obtained should be considered as conclusive. Mr. Addoum's suspicions are unfounded and there is no evidence to support them. The pursuit of this line of investigation distracted the Lebanese authorities from following other lines of investigation.**

5. Ahmad Abdel-Al

208. Sheikh Ahmad Abdel-Al, a prominent figure in the Al-Ahbash, was responsible for the public relations and military and intelligence for Al-Ahbash, the Association of Islamic Philanthropic Projects, a Lebanese group with strong historical ties to the Syrian authorities. Abdel-Al has proven to be a significant figure in the light of his links to several aspects of this investigation, especially through his mobile phone, which had numerous contacts with all the important figures in this investigation; indeed, it does not appear that any other figure is as linked to all the various aspects of this investigation as Abdel-Al.

209. Abdel-Al was interviewed as a witness and later as a suspect by the Commission. Some of his actions, and some statements made during his interview,

suggest attempts to hide information from the investigation. For example, he tried to hide the origin of his mobile telephone number on giving his prepaid card on 12 March 2005 to his Al-Ahbash friend Mohammed Halawani and requesting that the card be registered in Halawani's name. During the Commission's interview with Halawani, it took him several hours to admit that the telephone number in question was in fact used by Ahmad Abdel-Al. In addition, according to Abdel-Al's statement, on 14 February 2005, he left home and went to the Al-Ahbash office. His telephone records reveal that at 1147 hours, he had a telephone contact with a number which phoned his home telephone number several times immediately before the explosion, at 1226, 1246 and 1247 hours. While Abdel-Al told the Commission that he had called home shortly after the explosion at 1256 hours, telephone records show that the call was made at 1254 hours, two minutes before the explosion. Abdel-Al stated that he did not leave the Al-Ahbash office the day of the blast for security reasons. The telephone records showed four calls to Syrian intelligence officer Jamea Jamea, at 1142, 1814, 2023 and 2026 hours. According to a witness, Abdel-Al visited Jamea Jamea's office the evening of the blast at 1930 hours in which the two discussed Mr. Abu Adass. Moreover, shortly after his visit to Jamea Jamea's office, Abdel-Al's mobile phone registered a call to General Ghazali, at 1956 hours. Abdel-Al also sought to steer the investigation towards Mr. Abu Adass, not only by providing the Lebanese authorities with extensive information on Mr. Abu Adass shortly after the blast, but also stating to the Commission that the Al-Ahbash security service had seen Mr. Abu Adass before the assassination in the Ain Al-Hilweh Palestinian camp together with Abu Obeida, the deputy leader of the terrorist group Asbat al Ansar.

210. There are also numerous contacts between Ahmad Abdel-Al and Lebanese State security on the day of the blast. For example, Abdel-Al had almost daily telephone contact with Brigadier General Faysal Rasheed, Chief of State Security in Beirut, and on 14 February 2005, they had telephone contact at 1035, 2008, 2113, 2114 and 2216 hours. Ahmad Abdel-Al also had contact with suspect Raymond Azar, of the Lebanese Army, on 14 February 2005, as well as on 16 and 17 February. There was a call between the mobile phone of Albert Karam, another member of the Lebanese Army Intelligence, and Ahmad Abdel-Al on 14 February as well, at 1212 hours, about 44 minutes before the blast.

211. Abdel-Al's phone also had extensive contacts with Mustapha Hamdan's phone, as 97 calls occurred between the two between January and April 2005. Of these, four were made on 14 February 2005, after the explosion. Ahmad had two telephone contacts with his brother, Walid Abdel-Al, a member of the Republican Guard, the day of the blast at 1615 and 1729 hours. In addition, Abdel-Al received a call on 11 February 2005 at 2217 hours from the same telephone booth used to call Al-Jazeera shortly after the blast on 14 February. He also received a call on 4 February 2005 at 1934 hours and on 26 February 2005 at 0933 hours from the booth used to call Reuters shortly after the blast.

212. Abdel-Al has been in frequent contact with Mahmoud Abdel-Al, his brother, who is also active in Al-Ahbash. Mahmoud Abdel-Al's telephone calls on 14 February are also interesting: he made a call minutes before the blast, at 1247 hours, to the mobile phone of Lebanese President Emile Lahoud and at 1249 hours had contact with Raymond Azar's mobile telephone.

213. Abdel-Al also has notable connections to a significant weapons store discovered in southern Beirut in July 2005. This weapons store was raided by ISF on 26 July 2005 and five people with close connections to the former Mourabitoun militia were arrested. One of the arrestees was the driver and bodyguard of Majed Hamdan, Mustapha Hamdan's brother, who runs a firm which reportedly provided security for the St. George Hotel. Abdel-Al reportedly arranged for another arrestee to be employed as an electrician in the Presidential Palace. Furthermore, immediately after the arrests, another individual fled and promptly telephoned Ahmad Abdel-Al.

Conclusion

214. **The evidence, including his links to other important figures, especially Mustapha Hamdan and the Republican Guard, his telephone calls and his involvement in the Lebanese investigation into Mr. Abu Adass, make Ahmad Abdel-Al a key figure in any ongoing investigation.**

VI. Conclusions

215. It is the Commission's view that the assassination on 14 February 2005 was carried out by a group with an extensive organization and considerable resources and capabilities. The crime had been prepared over the course of several months. For this purpose, the timing and location of Rafik Hariri's movements had been monitored and the itineraries of his convoy recorded in detail.

216. Building on the findings of the Commission and Lebanese investigations to date and on the basis of the material and documentary evidence collected and the leads pursued until now, there is converging evidence pointing at both Lebanese and Syrian involvement in this terrorist act. It is a well-known fact that Syrian military intelligence had a pervasive presence in Lebanon at the least until the withdrawal of the Syrian forces pursuant to resolution 1559 (2004). The former senior security officials of Lebanon were their appointees. Given the infiltration of Lebanese institutions and society by the Syrian and Lebanese intelligence services working in tandem, it would be difficult to envisage a scenario whereby such a complex assassination plot could have been carried out without their knowledge.

217. It is also the Commission's view that the context of the assassination of Mr. Hariri was one of extreme political polarization and tension. Accusations and counter-accusations targeting mainly Mr. Hariri over the period preceding his assassination corroborate the Commission's conclusion that the likely motive of the assassination was political. However, since the crime was not the work of individuals but rather of a sophisticated group, it very much seems that fraud, corruption and money-laundering could also have been motives for individuals to participate in the operation.

218. The Commission considers that the investigation must continue for some time to come. In the short time period of four months more than 400 persons have been interviewed, 60,000 documents reviewed, several suspects identified and some main leads established. Yet, the investigation is not complete.

219. It is the Commission's conclusion that the continuing investigation should be carried forward by the appropriate Lebanese judicial and security authorities, who

have proved during the investigation that, with international assistance and support, they can move ahead and at times take the lead in an effective and professional manner. At the same time, the Lebanese authorities should look into all the ramifications of the case, including bank transactions. The 14 February explosion needs to be assessed clearly against the sequence of explosions which preceded and followed it, since there could be links between some, if not all, of them.

220. The Commission is therefore of the view that, should the Lebanese authorities so wish it, a sustained effort on the part of the international community to establish an assistance and cooperation platform together with the Lebanese authorities in the field of security and justice is essential. This will considerably boost the trust of the Lebanese people in their security system, while building self-confidence in their capabilities.

221. The recent decision to proceed with new senior security appointments was hailed by all the Lebanese parties. It was an important step towards improving the integrity and credibility of the security apparatus. However, it took place after months of a security vacuum and extensive sectarian-political debate. Much needs to be done to overcome sectarian divisions, disentangle security from politics and restructure the security apparatus to avoid parallel lines of reporting and duplication and to enhance accountability.

222. It is the Commission's conclusion that, after having interviewed witnesses and suspects in the Syrian Arab Republic and establishing that many leads point directly towards the involvement of Syrian security officials with the assassination, it is incumbent upon the Syrian Arab Republic to clarify a considerable part of the unresolved questions. While the Syrian authorities, after initial hesitation, have cooperated to a limited degree with the Commission, several interviewees tried to mislead the investigation by giving false or inaccurate statements. The letter addressed to the Commission by the Foreign Minister of the Syrian Arab Republic proved to contain false information. The full picture of the assassination can be reached only through an extensive and credible investigation conducted in an open and transparent manner to the full satisfaction of international scrutiny.

223. As a result of the Commission's investigation to date, a number of people have been arrested and charged with conspiracy to commit murder and related crimes in connection with the assassination of Mr. Hariri and 22 others. The Commission is of course of the view that all people, including those charged with serious crimes, should be considered innocent until proven guilty following a fair trial.